

1-00 P.M.

**MYSORE STATE CIVIL SERVICES (PREVENTION OF STRIKES)
(AMENDMENT) BILL, 1967***Motion to Consider.*

Sri S. R. KANTHI.—Sir on behalf of the Chief Minister, I beg to move :

“That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be taken into consideration.”

Mr. SPEAKER.—Motion moved..... ..

Sri M. S. KRISHNAN.—On a point of order, Sir. Even before the motion was moved I had raised this point of order. I think it violates the fundamental rights as envisaged in article 119 of the Constitution. So I do not think Government has got the right to move the motion. I request you to give a ruling.

Mr. SPEAKER.—The hon'ble member Sri Krishnan raised a point of order and insisted on a ruling mentioning that the motion that is going to be made relating to a Bill is not tenable on account of the provisions being in violation of fundamental rights. The member being new, I did not say anything more. He must study more. A point of order is with regard to breach of the rules. If the Bill is *ultra vires*, it does not amount to a point of order. There seems to be considerable doubt and confusion in his mind. He should not inflict it on the House. I am sorry I am using the word “inflict” because he would not hear me and he insisted on getting a ruling. The *ultra vires* nature of the Bill has nothing to do with a point of order. The Bill has been introduced and has not been taken up for consideration. If he thinks that it should not be introduced at all I am sorry he has come too late. If we want to contend in the course of the debate that it is *ultra vires*, he can do so but not by making it a point of order.

Sri M. S. KRISHNAN.—In fact, I had given notice of a resolution in respect of the Ordinance under rule 122, but unfortunately you did not permit me to move it today for various technical reasons. I would even now request you to see whether it could be permitted.

Mr. SPEAKER.—Now, the hon'ble member has given notice of a resolution that the House should disapprove of the policy contained in the Ordinance, but he is aware that he must give 3 days' notice. On a prior occasion the House spent considerable time amounting to hours on the procedure to be followed. But the resolution is intended to safeguard the interests if there is delay in moving the Bill to replace the Ordinance. The member also knows and has expressed that if the motion is moved, it is not going to be accepted by the House in view of the pattern prevailing now.

Sri M. S. KRISHNAN.—I did not say it at all, I did not say that it would not be accepted.

Mr. SPEAKER.—Now the hon'ble member wants me to take note that he did not say it here. I entirely agree with him. As soon as he gave notice I have been attempting to contact this member and another member who joined in giving the notice. I was not bound to do it. Hereafter I will not attempt to help members in that fashion. Three days' notice is essential under the rules. There is not even a request that it might be waived. Still I wanted to take the whole House with me and all the members to the maximum extent possible. If they think they are to find fault with the Speaker for taking that attitude to be of use to them, I cannot possibly blame them, but certainly I can avoid such situations. Being aware that he has not given 3 days' notice, it is not included in the agenda. He has no grievance. Nothing prevented him from giving it in time. This is a matter which was referred to also in the Address of the Governor and it has been debated upon. In spite of that, the member by insisting on his point of order has consumed so much of time and delayed the debate.

Motion moved :

“ That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be taken into consideration.”

† Sri S. R. KANTHI.—This Bill envisages 3 points. The first point is that the trial of these cases should take place as speedily as possible. So, Sir, the amending Bill makes provision on to ensure speedy trial to offences of this kind. Secondly, Sir, the offences of this nature are being instigated and there is a provision in the original Act making these offences punishable with imprisonment or fine. Now it is provided in this Bill that both punishments will be compulsory, that is, fine and imprisonment. The third one is that in the case of release of prisoners, there is provision in the Bill to give an opportunity to the prosecution to oppose the application for release on bail. These are the points which have been covered by this Bill and I commend the Bill to the consideration of the House.

† ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನ್ಯಾಯಾಂಗ ಖಾತೆಯ ಮಾನ್ಯ ಸಚಿವರು ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರತಕ್ಕ ಈ ಕಪ್ಪು ಶಾಸನವನ್ನು ಅದರಲ್ಲಿಯೂ ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ಅನಿಷ್ಟ ಕಾರಕವಾದಂಥ ಈ ಒಂದು ಮನೋದಯನ್ನು ನಾನು ಮೊಟ್ಟಮೊದಲನೆಯದಾಗಿ ವಿರೋಧಿಸ ಬೇಕಾಗಿದೆ.

ಇವರು ಮೂರು ಕಾರಣಗಳಿಗಾಗಿ ಈ ಶಾಸನವನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಬೇಕಾಗಿದೆ ಎಂಬುದಾಗಿ ಬಹಳ ಸುಲಭವಾಗಿ ಹೇಳಿದರು. ಇದು ಸರ್ಕಾರದ ಮೂಗಿನ ಕೆಳಗೆ ಕೆಲಸ ಮಾಡತಕ್ಕ ಕೆಳ ದರ್ಜೆ ನೌಕರರಿಗೆ ಸಂಬಂಧಪಟ್ಟದ್ದು. ಇವತ್ತು ಈ ಹೇತದಲ್ಲಿ ಸುಖೀ ರಾಜ್ಯವನ್ನು ಸ್ಥಾಪನೆ ಮಾಡುತ್ತೇವೆ, ಪ್ರಜಾ ಪ್ರಭುತ್ವದ ಅಡಿಗಲ್ಲನ್ನು ಭದ್ರವಾದ ತಳಹದಿಯ ಮೇಲೆ ಕಟ್ಟುತ್ತೇವೆಂದು ಹೇಳುತ್ತಾ ಇದ್ದು ಈ ಒಂದು ಶಾಸನವನ್ನು 1967ನೇ ಇಸವಿಯಲ್ಲಿ, 4ನೇ ಮಹಾಕೂನಾವಣೆಯಾದ ನಂತರ ಈ ಮಾನ್ಯ ಸಭೆಗೆ ಮೊಟ್ಟಮೊದಲನೆಯದಾಗಿ ಅರಿಸಬಂದಂಥ ಶಾಸಕರ ಮುಂದೆ ಇವರು ಮಂಡಿಸಿದ್ದಾರೆ. ಈ ಕರಾರು ಶಾಸನವೇನಿದೆ ಇದು ಈ ಶಾಸನಸಭೆಗೇ ಒಂದು ಕಳಂಕ ವನ್ನುಂಟುಮಾಡತಕ್ಕದ್ದಾಗಿದೆ. ಇಂತಹ ಶಾಸನವನ್ನು ನೂತನವಾಗಿ ರಚಿತವಾಗಿರತಕ್ಕ ಕಾಂಗ್ರೆಸ್

ಸರ್ಕಾರ ಈ ಸಭೆಯಲ್ಲಿ ತಂದಿರತಕ್ಕದ್ದು ಅವರ ಮೇಲೆ ಬಹುಮಟ್ಟಿಗೆ ದುಷ್ಕರಣಾಮು ಉಂಟು ಮಾಡತಕ್ಕದ್ದಾಗಿದೆ. ಮುಂದೆ ಅದನ್ನು ಈ ದೇಶದ ಜನ ಹೊರಬೇಕಾದೀಕೆಂದು ನಾನು ಈಗಲೇ ಎಚ್ಚರಿಕೆಪಡೆದಿದ್ದೇನೆ. ಯಾರಾದರೂ ತಪ್ಪನ್ನು ಮಾಡಿದರೆ ಅವರನ್ನು ಶಿಕ್ಷೆಮಾಡುವುದಕ್ಕೋಸ್ಕರ ಇವತ್ತು ಅನೇಕ ಕಾನೂನುಗಳಿವೆ. ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್ ಎಂಬುದಾಗಿ ಏನಿದೆ ಅದರ ಪ್ರಕಾರ ಇವತ್ತು ಯಾರಾದರೂ ತಪ್ಪುಮಾಡಿದರೆ, ಸರ್ಕಾರವನ್ನು ತರೇಕಳಗು ಮಾಡುವಂಥ ಚಟು ವಟುಗಳಲ್ಲಿ ತೊಡಗಿದರೆ, ಅಥವಾ ಸರ್ಕಾರವನ್ನು ಆರೋಪಿಸುವುದಾಗುವಂತೆ ಮಾಡಿದರೆ ಅಂತಹವರನ್ನು ಶಿಕ್ಷಿಸಬಹುದು. ಇಂತಹ ಒಂದು ಹೊಸ ಶಾಸನವಿಲ್ಲದೆ ಯಾವ ರೀತಿ ಸಾಮಾನ್ಯ ಪ್ರಜೆಗಳನ್ನು ಶಿಕ್ಷೆ ಮಾಡಬಹುದೋ ಅದೇ ರೀತಿ ಸರ್ಕಾರದ ನೌಕರರು ತಪ್ಪುಮಾಡಿದರೆ ಅದನ್ನು ತಡೆಗಟ್ಟುವ ಅವಕಾಶ ಈಗ ಇರುವ ಶಾಸನದಿಂದಲೇ ಇದೆ. ಸಿವಿಲ್ ಸ್ಪೆಷಲ್ ಮನೂವೆಯ ಮೂಲಶಾಸನ ಹಿಂದೆ ಇಲ್ಲ ಚರ್ಚೆಗೆ ಬಂದಾಗ್ಯೇ ಆಗಲೇ ಹೇಳಿದ್ದೇನೆ, ಅಂತಹ ಮನೂವೆಗಳಿಂದ ನೌಕರರಿಗೆ ವಿಪರೀತ ತೊಂದರೆಗಳು ಆಗುತ್ತವೆಂದು. ನೌಕರರಿಗೆ ರಾಜ್ಯಾಂಗದತ್ತ ವಾಗಿರತಕ್ಕ ಮೂಲಭೂತವಾದ ಹಕ್ಕುಗಳು ಕೆಲವು ಇವೆ. ಅವುಗಳಲ್ಲಿ ಮುಖ್ಯವಾದುವು ಮೂರು. Freedom of expression, freedom of procession and freedom of assembly—ಇವು ಮೂರು ಮೂಲಭೂತ ರಾಜ್ಯಾಂಗದತ್ತವಾದ ಹಕ್ಕುಗಳು. ಇವತ್ತಿನ ಧಿವಸ ನಿಮ್ಮ ಆ ಹಕ್ಕನ್ನು ಕೊಡದೆ ಹೋಗುವುದಾದರೆ ನಮಗೆ ಈ ಪ್ರಜಾಪ್ರಭುತ್ವ ಏಕೆ ಬೇಕಿತ್ತು? ನಮಗೆ ಈ ರಾಜ್ಯಾಂಗ ಏಕೆ ಬೇಕಿತ್ತು ಎಂದು ಕೇಳಬೇಕಾಗಿದೆ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ತಾವು ಸ್ವಲ್ಪ ಕೇಳಿ. ಅದು ಬಹಳ ಲಿಮಿಟೆಡ್ ಇದೆ. ಈಗ ನಾವು ಯಾವುದನ್ನೂ ಹೊಸದಾಗಿ ಮಾಡಿದ ಪ್ರಶ್ನೆಯಿಲ್ಲ. ಈಗ ಯಾರು ಇನ್‌ಸ್ಟಿಗೇಟ್ ಮಾಡು ತ್ತಾರೋ ಅವರಿಗೆ ಹೆಚ್ಚಿನ ಶಿಕ್ಷೆ ಆಗಬೇಕೆಂದೂ ಸ್ಟೀಡಿ ಡಿಸ್ಟೋಸಲ್ ಆಗಬೇಕೆಂದೂ ಇದೆ. And for the prosecution being given an opportunity to oppose an application for release on bail of persons accused or convicted of instigation of strikes. ಈ ಮೂರು ಮಾತು ಮಾತ್ರ ಇದೆ.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ತಾವು ತಂದಿರತಕ್ಕಂತಹ ಕಾನೂನು ನಮಗೆ ದತ್ತವಾಗಿರತಕ್ಕ ವಾಕ್ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ಕಿತ್ತುಕೊಂಡಂತಾಗುತ್ತದೆ ಮತ್ತು ಯಾರಾದರೂ ತೊಂದರೆಯಲ್ಲಿರತಕ್ಕ ಕಾಲದಲ್ಲಿ ಅವರಿಗೆ ಯಾರಾದರೂ ನಹಾಯೆ ಮಾಡುವುದಕ್ಕೆ ಹೋದರೆ ಅಂಥವರಿಗೂ ಕೂಡ ಶಿಕ್ಷೆ ಇದೆ. ಇದು ಬಹಳ ದುರದೃಷ್ಟಕರವಾದ ಸಂಗತಿ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ತಮಗೆ ಗೊತ್ತಿದೆ, ಇನ್‌ಸ್ಟಿಗೇಷನ್ ಯಾರು ಮಾಡುತ್ತಾರೋ ಅವರಿಗೆ ಕಾನೂನಿನಲ್ಲಿ ಏನು ಶಿಕ್ಷೆ ಇದೆ ಎಂದು.

Sri S. D. KOTHAVALA (Sankeswar).—Point of Order, Sir. Sub-clause (iv) of Rule 288 of the Rules of Procedure and Conduct of Business in the Assembly states :

“A member while speaking shall not—reflect on any determination of the Assembly except on a motion for rescinding it ;”

So, no question of principle which has already been accepted under Section 5 of the original Act, sought to be amended, can be raised. The only question is whether punishment should be increased. In the original Bill, the penalty is imprisonment or fine. Now, the new Section says : “imprisonment and fine.” Except this, there is no other question ; nothing new is sought to be introduced by the amending Bill. The question of principle underlying Section 5 of the original Act, cannot be raised.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ (ತುಮಕೂರು).—ಈ ಮೂರು ಪ್ರಶ್ನೆಗಳನ್ನೂ ಅರ್ಥಮಾಡಿಕೊಂಡಿ ದ್ದರೆ ಈ ಪ್ರಶ್ನೆ ಬರುತ್ತಾ ಇರಲಿಲ್ಲ.

Mr. SPEAKER.—The point of order is exclusively addressed to the Speaker. If I require some assistance, I will ask somebody. Until then, nobody should interfere.

(MR. SPEAKER)

Now, there is no merit in the Point of Order; because what Sri Shivappa was attacking, as I understand is not an attack on the original Bill, because I believe he is aware that he cannot attack it now. The Bill has already been passed and placed on the Statute Book. While referring to the amending Bill, he referred to the past history and made some prefatory and introductory remarks. He never intended those remarks nor will they be permitted on a Bill which is already passed and for repealing which there is no Motion before the House. The Minister for Law may kindly continue.

SRI S. R. KANTHI.—As you have already remarked, if it is only by way of preliminary remarks, nobody can have objection. If he confines himself to a few remarks, Government has no objection. What I wanted to bring to the notice of the Chair was that the Hon. Member should not talk on the original Bill, which he was trying to.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸಭಾಪತಿಯವರೇ, ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದು ಒಹಕ ಸಂತೋಷ. ನಮಗೆ ಎದುರು ಕುಳಿತರತಕ್ಕ ಸದಸ್ಯರುಗಳು ನಾವು ಮಾತನಾಡುವಾಗಲೇ ಈ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ಇಷ್ಟು ಅಡ್ಡಿ ಅತಂಕವನ್ನು ಉಂಟು ಮಾಡಿದವರು ಇನ್ನು ಹೊರಗಡೆ, ಈ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದ ಮೇಲೆ ಇಷ್ಟು ಮಟ್ಟಿಗೆ ನಮ್ಮ ಮೂಲಭೂತವಾದ ಹಕ್ಕುಗಳನ್ನು ಕಸಿದುಕೊಳ್ಳುತ್ತಾರೋ! ಈಗ ತಂದಿರತಕ್ಕಂತಹ ತಿದ್ದುಪಡಿ ಬಹಳ ಕ್ರೂರವಾದ ತಿದ್ದುಪಡಿ ಈ ಕ್ರೂರವಾದ ತಿದ್ದುಪಡಿಯನ್ನು ಈ ಶಾಸನಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುವಂತಹ ದುರದೃಷ್ಟಕರವಾದ ಸನ್ನಿವೇಶ ನಮ್ಮ ಮಾನ್ಯ ನ್ಯಾಯಾಂಗ ಶಾಖೆಯ ಸಚಿವರಿಗೆ ಬಂದಿರುವುದು ಬಹಳ ದುರದೃಷ್ಟಕರವಾದುದು. ಅವರು ಇಂತಹ ಪಾಪದ ಕೆಲಸವನ್ನು ಮಾಡಬಾರದು ಎಂದು ನಾನಾದರೂ ಹೇಳುತ್ತೇನೆ. ಮೊದಲೇ ಈ ಕಾನೂನು ಬಹಳ ಕ್ರೂರವಾದುದು. ಈಗ ಅದನ್ನು ಅತಿ ಕ್ರೂರವಾಗಿ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ಇಲ್ಲಿ ಸಂತೋಷ ವಿಂದತಂದಿದ್ದಾರೆ. ಮೊದಲು ಇದರಲ್ಲಿ or with fine which may extend to one thousand Rupees or with both ಎಂದು ಈಗ ದಂಡ ಮತ್ತು ಶಿಕ್ಷೆ ಎರಡನ್ನೂ ಮಾಡಿದ್ದಾರೆ. ಹೀಗೆ ಎರಡನ್ನೂ ಸುಲಭವಾಗಿ ತಂದು or ಬದಲು and ಮಾಡಿದ್ದಾರೆ. ಅವರು ತಂದಿರತಕ್ಕ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದು ಕ್ಷೇಮ. ಇವತ್ತಿನ ದಿವಸ ಈ ಮನೂವೆಯಲ್ಲಿ ಕೆಳದರ್ಜೆ ನೌಕರರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತಹ ಅಂಶ ಎಂದರೆ, ಅವರು ತಮ್ಮ ಹೊಟ್ಟೆಪಾಡಿಗಾಗಿ, ತಮ್ಮ ಬಟ್ಟೆಬರೆಗಳಿಗಾಗಿ, ಸ್ವಲ್ಪ ಸಂಬಳವನ್ನು ಜಾಸ್ತಿ ಕೊಡಿ ಎಂದು ಕೇಳತಕ್ಕ ಕಾಲದಲ್ಲಿ ಅವರನ್ನು ಬಾಯಿ ಮುಚ್ಚಿಕೊಂಡು ಕುಳಿತಿರಿ, ಬಾಯಿ ತೆಗೆದರೆ ಇದೋ ಶಿಕ್ಷೆ ಎದಿಸುತ್ತೇವೆಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುತ್ತಾರೆ. ಇವತ್ತಿನ ದಿವಸ ನಮ್ಮ ದೇಶದಲ್ಲಿ ಪ್ರಚಲಿತವಾದ ನಮಸ್ಕರ ಎಂದರೆ ಅನ್ನ ಮತ್ತು ಬಟ್ಟೆ. ಸರ್ಕಾರ ತನ್ನ ಮೂಗಿನ ಕೆಳಗೆ ನೇರವಾಗಿ ಕೆಲಸಮಾಡತಕ್ಕ ನೌಕರವರ್ಗವನ್ನು, ಅವರು ತಮ್ಮ ಹೊಟ್ಟೆ ಬಟ್ಟೆಗಾಗಿ ಸ್ವಲ್ಪ ದುಡ್ಡನ್ನು ಜಾಸ್ತಿ ಕೊಡಿ ಎಂದರೆ, ಅದಕ್ಕೆ ಒಂದು ಒಳ್ಳೆಯ ವಾತಾವರಣವನ್ನು ಕಲ್ಪಿಸಿ ಮಾಡಿಕೊಂಡು ಅವರು ಕೇಳತಕ್ಕ ನ್ಯಾಯವಾದ ಬೇಡಿಕೆಗಳನ್ನು ಕೊಡುವುದು ನ್ಯಾಯವಾದುದು. ಅದಲ್ಲದೆ ನೀವು ಕೇಳತಕ್ಕದು ಸರಿಯಲ್ಲ ನಿಮ್ಮ ಬಾಯನ್ನು ಮುಚ್ಚಿಸುತ್ತೇವೆ, ಅಥವಾ ನಿಮ್ಮ ಪರವಾಗಿ ಯಾರಾದರೂ ಮಾತನಾಡಿದರೆ, ಅವರಿಗೆ ಕೂಡ ಕ್ರೂರವಾದ ಶಿಕ್ಷೆಯನ್ನು ಕೊಡುತ್ತೇವೆಂದು ಹೇಳುವುದು ಯಾವ ನ್ಯಾಯ, ಯಾವ ಧರ್ಮ ನ್ಯಾಯ! ಇದು ನಿಜವಾಗಿಯೂ ನಮ್ಮ ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲೊರತಕ್ಕ ಮೂಲಭೂತವಾದ ಹಕ್ಕನ್ನು ಮೊಟಕು ಮಾಡತಕ್ಕ ಕಾನೂನು. 1967ನೇ ಇಸವಿಯಲ್ಲಿ ತಂದಿರತಕ್ಕ ಕಾನೂನನ್ನು ನಾವೆಲ್ಲರೂ ಎರೋಧ ಮಾಡಿದ್ದೇವೆ. ಈಗರಾದರೂ ಸರ್ಕಾರದವರಿಗೆ ಬುದ್ಧಿ ಬಂದು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಇದು ಜನವರಿ 25ನೇ ತಾರೀಖಿಗೆ ಮಾಡಿದಂತಹ ಅರ್ಡಿನೆನ್ಸ್‌ನ್ನು ರಿಪ್ಲೇಸ್ ಮಾಡುತ್ತದೆಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ಸಭೆಯಲ್ಲಿ ಇದನ್ನು ಎರೋಧಮಾಡಿದರೂ, ನಿಮ್ಮ ಮನಸ್ಸೇಚ್ಚೆಯಾಗಿ, ಲಕ್ಷಾಂತರ ಮಂದಿ ನೌಕರರನ್ನು ಹಿಡಿತದಲ್ಲಿಡಬೇಕೆಂದು ನಿಮ್ಮ ದುಷ್ಟ ಮುಖಿಯಿಂದ, ನಿಮ್ಮ ಈ ಕ್ರೂರವಾದ ಮನೋಧೆಯನ್ನು ಈ ಶಾಸನ ಸಭೆಯ ಮುಂದೆ ಇಟ್ಟು ಅದನ್ನು ಸರಿಮಾಡಬೇಕೆಂದು ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದೀರಿ. ಇದು ಬಂಡಿತವಾಗಿಯೂ ಒಪ್ಪತಕ್ಕ ಮಾತಲ್ಲ. ನಿಮ್ಮ ತಪ್ಪಿಗಾಗಿ,

ಅದರ ಪ್ರಾಯಶ್ಚಿತ್ತವನ್ನು ನಮ್ಮ ಮೇಲೆ ಹಾಕತಕ್ಕ ಪದ್ಧತಿ ಬಂದಿತವಾಗಿಯೂ ಒಪ್ಪತಕ್ಕದ್ದಲ್ಲ. ತಪ್ಪು ಮಾಡಿರತಕ್ಕವರು ನೀವು ; ನೀವು ಮಾಡಿರತಕ್ಕ ತಪ್ಪಿಗಾಗಿ ನೀವೇ ಪ್ರಾಯಶ್ಚಿತ್ತವನ್ನು ಮಾಡಿ ಕೊಳ್ಳಬೇಕಾದುದು ನಿಮ್ಮ ಕರ್ತವ್ಯ. ಅದ್ದರಿಂದ ನಾನು ಈ ಅದ್ವಪಡಿಯನ್ನು ವಿರೋಧಿಸಿ, ಸರ್ಕಾರದವರು ಇನ್ನೊಂದರೂ ಇದನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Mr SPEAKER.—I would like to permit some Members to participate. But there is one difficulty. Some Members have written letters suggesting amendments. They should have written earlier than today. I am willing to oblige them and allow them to move. Members are not attentive. Sri Krishnan ought to have given notice of amendments. But has he complied with the Rule ? He is engaged in private conversation and is inattentive. He may kindly get ready to move it. He should have given it one day earlier. It has to be stencilled and distributed. He should not repeat it.

Sri M. S. KRISHNAN.—This amendment was given about two days back i.e. day before yesterday, (not even yesterday) immediately after we came to know that it has been introduced.

Mr. SPEAKER.—It has been introduced on the floor of the House on the 27th and we are on the 31st to day. I am trying to help the member. But, having made a mistake, he still wants to justify. I will permit him to move it ; He may keep it ready.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಈ ಮನೂದೆಯ ಮೇಲೆ ಅನೇಕ ಅದ್ವಪಡಿಗಳಿವೆ. ಆ ಅದ್ವಪಡಿಗಳಲ್ಲಿ ಯಾವು ಯಾವುದನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಲು ತಾವು ಅವಕಾಶವನ್ನು ಕೊಡು ತೀರೋ, ಅವುಗಳನ್ನು ಮಂಡಿಸದೆ ಆ ಕಾಲವನ್ನು ಉಳಿಸಿ ಅದನ್ನು ಚರ್ಚೆಗೆ ಉಪಯೋಗಿಸುವುದು ಸೂಕ್ತ ಎಂದು ನಾನು ತಮ್ಮಲ್ಲಿ ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. SPEAKER.—They are all amendments to the clauses. We are in the second reading.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಅಯಾ ಅದ್ವಪಡಿಗಳು ಈ ಸಭೆಯ ಮುಂದೆ ಬಂದಾಗ ಅವುಗಳನ್ನು ಮೂವ್ ಮಾಡುವುದಕ್ಕೆ ಉಪಯೋಗಿಸತಕ್ಕ ಕಾಲವನ್ನು ಉಳಿಸುವುದು ಸೂಕ್ತ ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಅದಕ್ಕೋಸ್ಕರವೇ ಮಾನ್ಯ ಸದಸ್ಯರು ಬೆಳಗಿನ ವೇಳೆಯಲ್ಲಿ ನನ್ನ ಹತ್ತಿರ ಬಂದು ಮಾತನಾಡಿದರೆ ಸುಲಭವಾಗುತ್ತದೆ.

I will not allow debate from those who are moving amendments, because when they move the amendments I will give them a chance.

†Sri H. SIDDAVEERAPPA (Harihar).—Sir, I oppose this Bill, The Hon'ble Minister for Law very mildly stated that there are only three amendments to the Original Act. But those three amendments are of such vital importance in snatching away the fundamental rights of a citizen, who will belong to one category or other and in this particular case he happens to belong to a category, which has to serve the Government most faithfully and such people are not in inconsiderable number. I would like to ask him a prominent question. How long can you control or try to boss over or rule or force subbission to you by such a legislation as this ? Should not that kind of obedience come out of love and regard ? Why has this come ? Have you no faith in

(SRI H. SIDDAYEEARPA)

your own servants or does it mean that you have forfeited their confidence? Sir, the more rigorous is the amendment, the greater will be the persistence with which they will try to defy you and greater will be the confusion in this country. What has happened? Irreparable loss or damage has been done to the country by bringing an Act of this nature and placing it on the anvil. Without willingness you cannot get work done. Much of our slackness and sluggish administration is due to the unwillingness of the Government servants, because they have no faith in the Government that they would be treated fairly and squarely. This problem has arisen all over the country. This is not an exceptional case in Mysore; it is everywhere in India. This problem has arisen because of phenomenal increase in the cost of living in this country due to inflation. These inflationary trends have affected these people to such an extent that in many cases it will be difficult for them to meet want to add both ends. When such is the position, you still oil to the fire. Still they have to serve the Government to fill their belly. If they have to serve more wholeheartedly and loyally, don't you think you are doing a dis-service to the State by bringing this amending Bill? You have simply said that punishment would be imprisonment and fine. Would that be fair to put on the anvil? How many acts do you find where it is incumbent on the presiding Judge where he has to say that he will impose a punishment of imprisonment and also fine? Where is it made compulsory? I feel it is simply inhuman to introduce a clause of that nature in that Bill, and I request you to ponder over it. Today, here the Congress has a brute majority and the Hon'ble Minister for Law may think of passing this Bill. But the trail of black-spot that would be left with will ultimately recall on the Government. I request you to kindly consider and ponder over it.

With regard to the other clause, it has been stated that the Judge has to ask the Public Prosecutor where a man should be let off on bail. Sir, we know under the amended Criminal Procedure Code, it is an inherent privilege given to the accused. The convicting Court itself may have a valid reason to grant bail in a set of circumstances. At least be fair and lenient, don't try to be hard-hearted. What the law gives in the case of a thief, you want to snatch it away! Is there anything more heinous than this? I really doubt whether there was any wisdom on the part of this gentlemen sitting there on the other Side, who has piloted this Bill, and if he thinks he can do it in a light-hearted manner, would it be conducive for better administration in the country?

I come to the third point which he has raised in this amending Bill, *viz.*, from 25th January this will have to come into force. When the Act has commenced with its retrospective effect, what special significance he has for bringing it into effect on the 25th January,

1967? Perhaps if he had brought it on 26th January, he could have given it as a Republic Day gift. For giving effect retrospectively, there must be some valid reason.

Sri S. R. KANTHI.—The question of giving retrospective effect does not arise, because the ordinance is already there operating. It is only a replacement.

Sri H. SIDDAVEERAPPA.—No. doubt, the Hon'ble Minister is offering his explanation. But, my objection is mainly for the Bill itself.

(MR. DEPUTY SPEAKER in the Chair.)

* Even now, if good sense prevails on them, I would request them to see that this Bill is not pressed and in the interest of purity of the State it is withdrawn. May we hope good sense will prevail? I hope so, Sir.

Sri S. D. KOTHAWALE.—Mr. Speaker, Sir, I rise to support the Bill and I do it very willingly, and there are very good and valid reasons for the same. By way of preliminary observations, Hon'ble members, Sriyuths S. Sivappa and H. Siddaveerappa, made certain observations regarding the desirability of amending the Act, not only that, but they object to the retention of the original Act, itself on the Statute Book. I really fail to understand how such a speech could be made by them. At the beginning alone, I raised a Point of Order under Rule 288. This House has passed the original Act, the Mysore State Civil Servants (Prevention of Strikes) Act, 1966, after an elaborate debate in which all these points were raised and they were effectively answered by the Minister in-charge, and after the full debate was over, the Bill was adopted by this House and Ultimately with the concurrence of the Legislative Council it was passed into law therefore, the allegations that certain fundamental rights are being snatched away, that the N. G. O.s are not being treated as one and something very inhuman is being done, have no merits in them. Apart from that, when those points have been urged and overruled, I am sure they cannot be taken again. Since all these points have been raised again, I would like to say a few words. Hon'ble Members, Sriyuths Sivappa and Siddaveerappa know that the Government has to be carried on and maintained in a state of efficiency. If, for any reason, the Government servants just take resort to strike and try to hold the entire Government machinery, to ransom. What would happen to the society? This aspect may kindly be considered by the Hon'ble members and the House. I can understand, there may be certain grievance regarding cost of living and regarding economic difficulties. These grievances are common not only to the Government, but to the entire community of the people. When the grievances are there, it is quite open to the Government servants to put their difficulties before the Government and before such other body in a lawful manner and try to get them redressed.

(SRI S. D. KOTHAVALA)

1-30 P.M.

There is a machinery which could be utilised to get the grievances redressed. Well-established constitutional methods may be utilised for this as it has been done elsewhere. There is a way of doing it. They may, also urge the Whitley type councils for the redressal of their grievances. It should be understood by the Members of the Opposition that no useful purpose will be served and Government servants also should realise that it is not good to resort to strike and bring about disturbed conditions. The interest of the Government and the society require that law and order should be maintained and anarchy should be avoided. I think it is quite right that a grievance has to be ventilated and has to be redressed, in a lawful manner and not in an unlawful manner. I think it is the holy duty of all to maintain Law and Order and it is a sort of trust that the Government has to discharge and thus to create and maintain peaceful conditions for the entire people. The Government is a basic necessity of an organised Society. Public servants are part of the Government machinery and they have got to share the fundamental duty to carry on the Government and help it to maintain lawful conditions. They cannot behave like members of a trade union. It should be remembered that even the supreme Court have held that the fundamental rights relating to this do not exist so far as Government servants are concerned, and they should not treat themselves on par with industrial labour. The position of the Government Servants is much higher, more sacred and more responsible. Strike is a weapon which is available only to industrial labour. But here, when a person enters into Government services, he does so with an open mind, he knows the conditions of service, he knows the pay which will be given to him, and with eyes wide open, he enters the service. After getting into the service, they must realise that they also accept the sacred responsibility which Government has to discharge. In doing so, it does not befit that Government servants should resort to strikes and things of that type.

My learned friend Sri Sivappa said, what about their pay? I say their conditions of services, their pay and emoluments are far better than the conditions of service compared to ordinary labourer. I need not enter into the details and state what they actually get. It is a matter of common knowledge. The salary and emoluments of the Government servant are far better compared to industrial labour. Security of service is guaranteed, there is provision for family pension. There are provisions regarding medical amenities and special allowances regarding house-rent and other facilities. Therefore, taking into consideration, the general economic conditions prevailing in the society, I dare say that the conditions of services under Government are far better than those available to the industrial labour. Let them not consider themselves on par with the industrial labour and let them not

resort to strikes and such other things which prevail in labour movement. The philosophy and the principle underlying this amending Bill are merely to safeguard the Government machinery and to see that the Government not paralysed.

(Interruptions)

If they have grievances, they may seek redressal in the approved manner. The House has already accepted the principle and policy of the original Act.

I was surprised when I heard that the Hon'ble Member Sri Shivappa saying that the Bill is being given retrospective effect from 25th January and my Hon. friend Sri Siddaveerappa was saying the same thing. Let me bring it to his notice, even the Hon'ble Minister for Law said that, that this Bill is for the purpose of substituting the ordinance by an Act. The ordinance was issued with effect from 25th January 1967. This Bill replaces that Ordinance with effect from that date. Nothing new is being added. I was rather surprised how this matter which has been put in the printed statement of objects and reasons could have possibly escaped the notice of such intelligent members like the Hon'ble Member Sri Shivappa and Sri Siddaveerappa, having accepted the principle of the original Act, it is not open to the hon. members to challenge it, while considering the present amendment.

[Mr. SPEAKER in the Chair.]

Imposing a slight penalty for instigation of the offence mentioned in the Act under section 5 is nothing new. This is a matter relating to people instigating others to strike and the question is whether the punishment that is prescribed should be more deterrent. These are activities which cut at the root of social order and make the Government machinery come to a standstill. It is therefore better that persons who are responsible for instigation of such offences should be adequately punished and that measures be taken to prevent such things from recurring in future. A new section is sought to be added, namely 9A regarding the grant of bail.

SRI H. SIDDAVEERAPPA.—I hope at least in this principle you will agree with this as a lawyer.

SRI S. D. KOTHAVALA.—My learned friend who was having such wide practice must be knowing that when a Magistrate grants bail, opportunity is given to both sides to have their say. What is being stated here in this Bill is that before granting bail an opportunity should be given to the public prosecutor. What more is there? That is done everywhere.

SRI H. SIDDAVEERAPPA.—Will that not run counter to the provisions of the Criminal Procedure Code as it has been amended? Is it in consonance with it?

Sri S. D. KOTHAVALE.—There are such precedents, though at the moment I am not able to cite them. If the Hon'ble Member wants, I shall bring and show it to him.

The Court give an opportunity to both sides whenever any question is sought to be taken up under law. As regards another new section 9(B) it tries to give a sort of precedence, which one can easily understand. Whenever an offence is committed, it is necessary that evidence should be heard and decided early in the interests of the person himself and also the Government. It is only a question of precedence. I therefore support the Bill on merits and not as my Hon'ble friend Mr. Sivappa said, on something which I should not do.

‡ಶ್ರೀ ತಿದ್ದಯ್ಯ ಕಾಶೀದಾಸ್.—(ಶಿರಕಟ್ಟು) ಸ್ವಾಮೀ, ಸರಕಾರ ಮೇಲಿಂದ ಮೇಲೆ ಇಂತಹ ತಿದ್ದುಪಡಿಗಳನ್ನು ತರುತ್ತಿದೆ, ಮೂಲ ಮನೂಬದಿಯನ್ನು ಮಾಡುವಾಗ ಮುಂದಾರೊಡನೆಯಲ್ಲದೇ ತಂದದ್ದಾಗಿದೆ. ಮೊದಲಿಗೆ ಈ ಮನೂಬದಿಯನ್ನು ತಂದಾಗ ಸರಕಾರದ ನೌಕರರುಗಳ ಸಂಘದ ಅಧ್ಯಕ್ಷರ ಕಾಣಿ ಅವರಿಗೆ ಹೆಚ್ಚಾಗುತ್ತಿದೆ ಎಂದು ಅವರೊಬ್ಬರ ಮೇಲೆ ಕಾರ್ಯಕ್ರಮ ತೆಗೆದು ಕೊಂಡರು ಮತ್ತು ಸಾರ್ವಜನಿಕರ ಹಾಗೂ ಸರಕಾರದ ನೌಕರರ ವರ್ಗದವರ ಸಂಬಂಧವನ್ನು ಕಡೆಯುವುದಕ್ಕಾಗಿ ಈ ಮನೂಬದಿಯನ್ನು ತಂದದ್ದಾಯಿತು. ಅದು ಕಳೆದು ಸ್ವಲ್ಪ ದಿವಸಗಳಾದರೂ ಪುನಃ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ, ಇದರಲ್ಲಿ ಹೊಸದೇನೂ ಇಲ್ಲ. ಸಾರ್ವಜನಿಕರು, ಸರಕಾರದ ನೌಕರರುಗಳು ಇವರೊಂದಿಗೆ ಯಾವುದೇ ತರಹದ ವಿಚಾರದಲ್ಲಿ ತಪ್ಪಾದರೆ ಅದನ್ನು ಕೋರ್ಟಿಗೆ ತಿಳಿಸಲು ಒಂದು ಅವಕಾಶ ಇರಬೇಕು. ಅದನ್ನು ತಿಳಿದ ಮೇಲೆ ಶಿಕ್ಷೆ ವಿಧಿಸಬೇಕಾದಾಗ ಒಂದು ವರ್ಷ ಶಿಕ್ಷೆ ಅಥವಾ ಈ ಶಿಕ್ಷೆಯ ಜೊತೆಯಲ್ಲೇ ಜುರ್ರಾನೆ ವಿಧಿಸಬೇಕು ಎಂದು ಇದೆ. ನಾನಾದರೂ ಹೇಳುವುದು. ಇದಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕರ ಸಂಬಂಧವನ್ನು ಕಡೆದುಹಾಕಬೇಕೆಂದು ಮಾಡಿರುವುದು. ಈ ದೃಷ್ಟಿಯಿಂದ ಇದನ್ನು ತಂದು ಇಂತಹದನ್ನು ಮಾಡಿದ್ದಾರೆ ಎಂದು ಸಾರ್ವಜನಿಕರ ಮೇಲೆ ಅಪಾದನ ಹೊರಿಸಿ ಶಿಕ್ಷೆಮಾಡುವುದು ನೋಡಿದರೆ ನನಗಾದರೂ ಅನಿಸುತ್ತದೆ, ಇದು ಮಾಡಿರುವುದು ಕೇವಲ ಅವರಿಗಾಗಿಯೇ ಎಂದು ಕಾಣುತ್ತದೆ. ಇದರಲ್ಲಿ ಒಂದು ರೀತಿಯಾಗಿ ಶಿಕ್ಷೆಯನ್ನು ಕಡಿಮೆ ಮಾಡಿರುವುದು. ಒಂದು ಕಡೆ ಶಿಕ್ಷೆ ಹಾಗೂ ಇದರ ಜೊತೆಗೆ ಜುರ್ರಾನೆ ಎನ್ನುವುದಕ್ಕಿಂತ ಒಮ್ಮೇಲೆ ಗಲ್ಲಗೊಂಡಿರದರೂ ತಪ್ಪಲ್ಲ ಎನ್ನುವ ಭಾವನೆ ಬರುತ್ತದೆ. ಈಗ ಶಿಕ್ಷೆ ವಿಧಿಸುವುದಕ್ಕಿಂತ ಗಲ್ಲಗೊಂಡರೆ ಸುಖಾಗುತ್ತದೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ತಿದ್ದುಪಡಿ ಮಾಡುವಾಗ ಅದಷ್ಟು ಮಟ್ಟಿಗೆ ಫೈನ್ ಎಂದು ಮಾಡಿರುವುದನ್ನು ಕಡಿಮೆ ಮಾಡಬೇಕು ಹಾಗೂ ಇಂಪ್ರಿಷನ್‌ಮೆಂಟು ಅವಧಿಯನ್ನು ಕಡಿಮೆ ಮಾಡಬೇಕೆಂದು ಇಲ್ಲಿ ಒತ್ತಾಯ ಮಾಡುತ್ತೇನೆ.

ಜೇರ್ ಕೊಮವಾಗ ಸ್ವಂತ ಧಾಂಡಿನ ಮೇಲೆ ಮುಟ್ಟುಳಿಕೆ ಕೊಟ್ಟರೆ ಅದೇ ಘಾತು, ಅದರಂತೆ ಇಲ್ಲಯೂ ತಿದ್ದುಪಡಿಮಾಡಬೇಕೆಂದು ಹೇಳಬಹುದು.

‡ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ಸ್ವಾಮೀ ಈ ವಿಧೇಯಕವನ್ನು ನಮ್ಮ ಸರಕಾರ ಏತಕ್ಕಾಗಿ ಇಲ್ಲಿ ಮಂಡಿಸುತ್ತಿದ್ದಾರೆ ಎನ್ನುವುದನ್ನು ನೋಡಿದರೆ ನನಗಾದರೂ ಬಹಳ ವ್ಯಥೆಯಾಗುತ್ತದೆ. ಇಂತಹ ಕಾನೂನುಗಳನ್ನು ಏಕೆ ತರುತ್ತಿದ್ದರನ್ನುವುದು ನನಗೆ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ, ಸರಕಾರದ ಬಡ ನೌಕರರುಗಳ ಸ್ಥಿತಿ ಎಲ್ಲರಿಗೂ ಗೊತ್ತಿರುವ ವಿಷಯ. ಈ ಸರಕಾರದ ಬಗ್ಗೆ ಜನರ ಅಭಿಪ್ರಾಯ ಹೇಗಿದೆ ಎನ್ನುವುದು ಮೊನ್ನೆ ದಿನ ಈ ಸರಕಾರದ ಉಪ ಮಂತ್ರಿಗಳೊಬ್ಬರು ಭಾಷಣ ಮಾಡಿ ಹೇಳಿದ್ದಾರೆ. ನಾನು ಕೂಡ ಅಲ್ಲಿಗೆ ಹೋಗಿ ನೋಡಿದ್ದೆ. ಅಲ್ಲಿ ಇಲ್ಲದ ಗೊಂದಲ ಗರಾಟೆಗಳು ಬಂದು ರಿಸರ್ವ್ ಪ್ರೋಲೆನರುಗಳು ಬರುವ ಸಂದರ್ಭ ಬಂದು ಬದಗಿತ್ತು. ನಮ್ಮ ಸರಕಾರದ ಉಪ ಮಂತ್ರಿಗಳೊಬ್ಬರು ಭಾಷಣಮಾಡುತ್ತಾ ನಮ್ಮ ಜನರಲ್ಲಿ ಈ ಸರಕಾರದ ಮೇಲೆ ನಂಬಿಕೆ ಇಲ್ಲ, ಈ ಸರಕಾರ ಬೇಕೆಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಸುಮ್ಮನೆ ಬಡ ಸರಕಾರಿ ನೌಕರರುಗಳನ್ನು ತೊಂದರೆಗೆ ಈಡುಮಾಡಲು ಇಂತಹ ಮನೂಬದಿಗಳನ್ನು ತರುತ್ತಿದ್ದಾರೆ. ಈ ಸರಕಾರ ಇದಲ್ಲ ನಾಳೆ ಕೋಗುತ್ತದೆ, ನಾಳೆ ನಮ್ಮ ಸರಕಾರ ಬರುತ್ತದೆ. ಆಗ ಇವರಲ್ಲಿ ಕೊಟ್ಟ ಭಾಷಣವು ಇದರ ಮೇಲೆ ತಿರುಗಿ ಪ್ರಯೋಗಿಸಬೇಕಾಗಿ ಬರುತ್ತದೆ. ಮುಖ್ಯವಾಗಿ ಈ ಸರಕಾರ ಉಳಿಯುವುದಿಲ್ಲ. ಇಂತಹ ಬಡ ನೌಕರರುಗಳ ಮೇಲೆ ಕಷ್ಟತರುವಂತಹ ಕಾನೂನುಗಳನ್ನು ತರಬೇಡಿ. ಇದರಿಂದೇನೂ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ. ಇದೇನು ಕಾಂಗ್ರೆಸ್ ಸರಕಾರವೇ ಪ್ರೋಲೆನ ಸರಕಾರವೇ ಎಂದು ತೇಳಬೇಕಾಗಿದೆ. ನನಗಾದರೂ ಅನಿಸುವುದು, ಈ ವಿಧೇಯಕ ಸರಕಾರದ ಬಡ ನೌಕರರನ್ನು ಇಲ್ಲದ

ಕಷ್ಟಕ್ಕೆ ಗುರಿಪಡಿಸುತ್ತದೆ. ನಾನಾವರೂ ಹೇಳುತ್ತೇನೆ. ಈ ಸರಕಾರ ಹೋಗುತ್ತದೆ. ಮುಂದೆ ಸಮ್ಯ ಸರಕಾರ ಬರುತ್ತದೆ. ಅದೇ ನಮಗೆ ಸಂತೋಷ. ಇದೂ ಅಲ್ಲದೆ ಈಗಾಗಲೇ ಸುಮಾರು ನಲವತ್ತು ಜನರ ಸಹಾಯನೋಳಿಗೊಂದ ಒಂದು ಮನೆಯನ್ನು ಮಾನ್ಯ ನಿಲಂಗಪ್ಪನವರಿಗೆ ಕೊಟ್ಟು ಉಪ-ಮಂತ್ರಿ ಪದವಿ ಬೇಕಿಲ್ಲ. ಮಂತ್ರಿ ಪದವಿ ಕೊಡಬೇಕು ಇತ್ಯಾದಿ ಹೇಳಿದ್ದಾರೊಂದು ಒಂದು ಕಡೆ ಉಪ-ಮಂತ್ರಿಗಳು ಹೇಳಿಕೆ ಕೊಟ್ಟಂತೆ ತಿಳಿದು ಬರುತ್ತದೆ.

ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—(ಹೊಸದುರ್ಗ) ನನ್ನ ದೊಂದು ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಇದೆ.

ಅದು ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ವಾಚಾಳ್ ನಾಗರಾಜರವರು ಹೇಳುತ್ತಿರುವುದು ಜನರರ ದೀನಕಷನ ಆನ್ ಒಡ್ಡೆಟ್ ರೀತಿಯಲ್ಲಿದೆ. ಇಲ್ಲಿ ಚರ್ಚೆ ನಡೆಯುತ್ತಿರುವುದು ಅಲ್ಲನ ಒಗ್ಗ. ಇದರ ಬಗ್ಗೆ ಅವರಿಗೆ ಸೂಕ್ತ ತಿಳುವಳಿಕೆ ತಾವು ಕೊಡಬೇಕು.

ಶ್ರೀ ಹೆಚ್. ಸಿದ್ದಪೀರಪ್ಪ.—ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ರಾಮಪ್ಪನವರು ಹೇಳಿರುವ ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಮೇರೆ ಒಂದು ಮಾತು ಹೇಳಬೇಕಾಗಿದೆ. ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ವಾಚಾಳ್ ನಾಗರಾಜರವರು ಬಿಲ್ಲನ್ನು ಒದಿ ಏನು ಆರ್ಥಮಾಡಿಕೊಂಡಿದ್ದಾರೆ ಮತ್ತು ಈ ಬಿಲ್ಲು ಪರಿಣಾಮವೇನಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಹೇಳುವುದಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದಾರೆ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂತಿ.—ಶ್ರೀ ವಾಚಾಳರಿಗೆ ಸ್ಪೆಷಲ್, ಜನರರ ಏನು ಗೊತ್ತಾಗುತ್ತದೆ ಎಲ್ಲಾ ಜನರಲ್ಲೇ ಅವರಿಗೆ.

ಶ್ರೀ ವಾಚಾಳ್ ನಾಗರಾಜ್.—ಬಡ ನೌಕರರ ಮೇರೆ ಇವರು ಗದಾ ಪ್ರಹಾರ ಮಾಡಿ ತೊಂದರೆ ಕೊಡುತ್ತಾರೆ. ಅವರಿಗೆ ರಕ್ಷಣೆ ಕೊಡುವುದಕ್ಕೆ ಅವರ ಪರವಾಗಿ ನಾವು ಬಂದಿದ್ದೇವೆ. ಈ ಸರ್ಕಾರ ಇನ್ನು 15 ದಿನ, ಒಂದು ತಿಂಗಳಲ್ಲಿ ಹೋಗುತ್ತದೆ. ಹೋಗುವ ಕಾಲದಲ್ಲಿ ಇಂಥ ತಿದ್ದುಪಡಿಯನ್ನು ತರುವುದು ಬೇಡ ಎಂದು ನಾನು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಸರ್ಕಾರದವರು ಈಗ ತೆಗೆದಿರುವ ಮನೋಪಯನ್ನು ಹಿಂದಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ಬಡನೌಕರರ ಪ್ರೀತಿ ವಿಶ್ವಾಸಗಳನ್ನು ಗಳಿಸಿ ಕೊಳ್ಳಲಿ ಎಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಈ ಕರಾಳ ಶಾಸನವನ್ನು ನಾನು ಅರಸ್ಯರನುತ್ತಿದ್ದೇನೆ. ಕಾನೂನು ಬೇಕಾದರೆ ಮುರಿಯುವುದಕ್ಕೆ ಜನ ಹೊರಗಡೆ ಇದ್ದಾರೆ. ಈ ವಿಷಯ ಮಂತ್ರಿಗಳಿಗಾಗಲೀ ಸರ್ಕಾರಕ್ಕಾಗಲೀ ತಿಳಿಯುವುದಿಲ್ಲ. ಇದರ ವಿರೋಧವಾಗಿ ಹೋರಾಡುವುದಕ್ಕೆ ಜನ ಸಿದ್ಧವಾಗಿದ್ದಾರೆ. ನಾನು ಕೂಡ ಇದರ ವಿರುದ್ಧ ಅವರ ಪರವಾಗಿ ಹೋರಾಡುತ್ತೇನೆ ಎಂದು ಮಂತ್ರಿ ಮಹಾಶಯರಿಗೆ ಹೇಳುತ್ತೇನೆ, ಸ್ವಾಮಿ.

Mr. SPEAKER.—Sri Vatal Nagaraj; has spoken much. But it is irrelevant. He has given vent to his feelings. He is sought to be protected by Sri Siddaveerappa. Time and again he is repeating the same irrelevant points, and I will have to bear that in mind when I call him next.

†Sri L. SRIKANTIAH (Nanjangud).—Sir, this is an amendment to the original Act passed in 1966, and I would like to say a few words with regard to the main Act itself. Mr. Kothavale rightly pointed out that I am prohibited from speaking under rule 208. Notwithstanding that I would like to mention that the whole Act itself is a retrograde step. Mr. Kothawale himself rightly realises that industrial labour can ventilate their grievances properly, whereas civil servants have no means to express their grievances. We have for industrial labour what is called the Industrial Disputes Act. I would like to know whether an Act similar to that is in existence with regard to the Civil servants. The Industrial Disputes Act enunciates a procedure and a machinery in cases of conflict between the employer and the employee. With regard to the State employees of the Government, the civil servants, there is no such machinery. If there is no such machinery, I ask: how they can ventilate their grievances. At best they are human beings in these hard days. As Mr. Kothawale said and admitted, when the economic crisis is

(SRI L. SRIKANTAH)

looming large, they must be enabled to express their grievances, and I want to know the means by which they can express. If they are stifled from expressing their grievances through this Act and that too rigorously by an amendment of this kind, I would say no trial and no judge is necessary. Better prosecute them direct and hang them. You have the Whitley Council in Great Britain and some other institution in Switzerland for such things. Somewhere else something has been done. But here, such a thing has not been done. Therefore, I earnestly appeal to the Government. If the Government feels that in the interests of the maintenance of efficient Government, some such piece of legislation is necessary, I would say institute an act similar to the Industrial Disputes Act, wherein the civil servants in particular can ventilate their grievances.

Coming to the merits of the amendment Bill, I would like to say that the whole Act is ultra vires. I do not know whether it has been examined by the Law Department. Fortunately or unfortunately, the Hon'ble High Court has not sat in judgement over the principal Act of 1966. Cr. Pr. Code, i.e., Central Act comes under S. 495 to 503 of the Concurrent List. The rules and the Act are framed under article 309 of the Constitution. I would like to draw the attention of the Government to the fact whether this piece of legislation taken with the original Act will not be in conflict with article 254 of the Constitution. Article 251 suggests in case a State legislation comes in conflict with Central legislation, the Central legislation shall have priority and the State legislation to the extent repugnant shall be void. Further it lays down in article 254 (2) :

“Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State.”

Now there is a Central Act, the Code of Criminal Procedure. Any amendment to that has to be sent to the President for assent. But the amendment of our Act cannot be sent to the President.....

SRI S. R. KANTHI.—May I know from the Hon'ble Member...

SRI L. SRIKANTIAH.—I am not yielding, Sir.

SRI S. R. KANTHI.—I rise to a point of order. The question before the House is an amending Bill. I would like to know from the Hon'ble Member whether the amendment Bill is ultra vires or the original Act. If he says that the original Act is ultra vires, I would say that this is

not the place for arguing on that point. But if he says that the amendment Bill is ultra vires, he must convince as whether it is so.

Mr. SPEAKER.—A fallacious argument is not a point of order. The Hon'ble Member may continue.

2-00 P.M.

Sri L. SRIKANTIAH.—Now, in the original Act, there is section 9—power to arrest without warrant. Section 9 makes it a cognisable offence. Take 9A—Special Provision regarding bail.

“No person accused or convicted of any offence under Section 5 of this Act, shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release and where the prosecution opposes the application the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.”

I would submit that this provision does not find a place in the Code of Criminal Procedure. Therefore, I submit for the consideration of the Government that the whole legislation should be got examined by the Law Department of the Government, particularly, section 9A and the amendment, whether section 9A is in conformity with the Code of Criminal Procedure, whether you have amended the Code of Criminal Procedure. My submission is, by virtue of article 251 of the Constitution, section 9A becomes ultra vires.

Secondly, Precedence for trials is another additional section 9B. Under what provision of the Constitution are you justifying this piece of legislation? Therefore, 9A and 9B should be struck down as ultra vires unless the Government takes steps to rectify the defects. This is what I would say with regard to this Amendment Bill. I have said earlier that this is a Black Amendment.

†Sri M. S. KRISHNAN (Malleswaram).—Mr. Speaker, Sir, I rise to oppose this Amendment which has been brought by the Hon. Minister for law to the Mysore State Civil Services (Prevention of Strikes) Bill 1966. Before I speak about the Amendments themselves, I would like to say that I had no opportunity to come before you and speak of my total opposition to the original Act itself. What has happened now is, there was an Act that was itself black enough and now Government is seeking to make it blacker still by bringing forward such an abnoxious amendment as proposed now.

In this connection, I would like to say one or two words about the amendments themselves. Clause 2 is for both fine as well as imprisonment. Originally, it was either fine or a sort of an imprisonment or both. My contention is that it was not necessary. What we would like to know from the Treasury Benches is, whether they want to make it punitive. The purpose with which any enactment is brought is to see

(SRI M. S. KRISHNAN)

that the people are corrected. Here, there is no such thing. By imposing both fine as well as imprisonment, you would correct neither N. G. Os. nor anybody else. As Sri Kothawale said, for persons who instigate strikes, deterrent punishments must be given to them. But, what really happens is, even innocent people will get into this. We know how such laws are being implemented in this country. We know innocent people are being taken, innocent people are being punished and innocent people are put into jail. We know very well about the N.G. Os. Probably, Sri Kothawale does not know much about their cause. The N. G. Os. made several representations, submitted several memorandums and at the end they proposed some action and they took that action. You can never accuse them of creating anarchy. My friend said about anarchy. If anybody is creating anarchy, it is only the Treasury Benches and the Congress Benches. It is they who have created anarchy and brought our country to this position and they seek to penalise the N.G.Os in this manner. Therefore, I say, this is opposed to any principle which is accepted by any intelligent people who rule our country.

In respect of clause 9A my friend Sri Srikantiah has drawn your attention to one aspect and I would like to draw your attention to another aspect. Sir, whenever we go before a court, the prosecution opposes granting of bail. Even in a number of industrial strikes, whenever workers go to courts, the prosecution generally oppose for granting bail. It has been a common factor. I do not see any reason why it should be encouraged. Naturally, it would be very embarrassing for the Judge himself. It would be very difficult for any judge to grant bail when there is such a provision. Virtually this would be denying the liberty of the person.

Secondly, any person is supposed to be innocent before he is proved guilty. In this case, the clause is so framed as to give an impression that the person is proved guilty. Whenever bail is not granted, the prosecution will say that even bail was not granted to the accused and therefore he has committed the offence. If bail is granted, *prima facie* he is not guilty. There is a lacuna in the amendment Bill. I would say, it is the denial of the fundamental right of any person who has been charge-sheeted that he should not be released on bail. You cannot say that all people are guilty *prima facie*. There may be extreme cases. Supposing a pregnant lady is charge-sheeted and she comes to the court and bail is opposed; what will be the position? what will happen? Is it humanitarian act or is it a worst act? By virtue of this amendment, you are denying the opportunity. There is absolutely no humanitarian consideration in this measure. I know, Government have no humanitarian consideration so far as N.G.Os, are concerned. I stoutly oppose this Act.

Another point that, Sri Kothawale said is that the N. G. Os. should not be treated on par with industrial workers. I do not know whether he had any occasion to contact the N. G. Os. and to hear their

grievances. If at all he had such an occasion, he would not have spoken in the manner he has done today. I know, the N. G. Os. are very much discontented about the manner in which the Government behaves towards them. Because of the extreme discontentment and after submitting several representations and memorandums, they have come to this stage of agitation and they have come to a position wherein they say that it would be better to have a Trade Union for the N. G. Os. Of course, the Association is there; it might not have been registered under the Trade Unions Act. Trade Unions do not mean that they can strike at any time at any place. My hon'ble friend Sri S. D. Kothawale does not know what strike is. Similarly in this case strike will not come; the N. G. O's will not go on strike. They are more patriotic than the treasury benches unless they are forced to. It does not do well to say that the instigators are to be punished. I do not think it is correct. It is an extremely black Act. Two more points I will say and I am done. My apprehension is today if the Government is allowed to bring such an amendment, I do not know when they may like to bring an amendment even to the Industrial Disputes Act and take away all the rights. I do not know whether these gentlemen want to act like Hitler or Mussolini. That is the way in which they are going. Lastly, the treasury bench speak in terms of democracy and not in terms of socialism. Socialism is an anathema for them because no where they have spoken.

Sri D. DEVARAJ URS.—You said that no member on this side is speaking of socialism. Certainly we are not preaching the type of socialism that you are preaching.

Sri M. S. KRISHNAN.—He does not know what the scientific socialism is. He is incapable of knowing it. It is pure unadulterated capitalism in our country that has to be destroyed. You gentlemen speak of democracy and not socialism because in the Address the word socialism is not there, nor is it there in the budget speech. There is not a word of socialism. Even in Britain where there is unwritten Constitution, the right to strike is given to Government employees. Even in the darkest days of Britain there was no punitive measure. Why is it that these people want to bring? Is it not denying fundamental rights of the people? I stoutly oppose this amendment. This is against all canons of justice and democratic principles. This is one of the blackest Acts brought forward by the Minister and I would like him to withdraw it. Sooner he withdraws better it is. If he does not withdraw, the people will judge this Act.

†**Sri S. R. KANTHI.**—I am really grateful to the hon'ble members who have taken part

Sri AZEEZ SAIT.—Is the hon'ble Minister giving a reply.

Mr. SPEAKER.—I will try to accommodate as many members as possible.

Sri S. R. KANTHI.—I have heard patiently all the members who have spoken on this Bill. Some of the hon'ble members spoke in a way which is reasonable than otherwise. But the hon'ble member who spoke subsequently was more emotional minded than to see any reason at all. They spoke not on the amending Bill but on the original Act. If the comments made by the hon'ble members were to be taken as correct, they were anything on the action of the House and not on the action of the Government. There was no need to talk about democracy and socialism. The type of democracy that my friend Sri M. S. Krishnan wants to establish in India is the type which Indians do not want. We stand for democracy; we stand for socialism. Our democracy and socialism include the element of liberty, fraternity and all those ideas which are associated with it, But my frind when he talks of socialism, he talks of the communist kind which we have not accepted.

Sri AZEEZ SAIT.—I strongly object to that.

Sri S. R. KANTHI.—Sir, I do not yield.

Sri AZEEZ SAIT.—I have been addressing the Chair.

Mr. SPEAKER.—But he is doing in a wrong way.

Sri AZEEZ SAIT.—I only want to say.....

Mr. SPEAKER.—Order, order. He may Kindly resume his seat. The hon'ble member must know that he is disturbing the House for the 'n' th' time. I have been more tolerant and the next time I will be compelled to take action against him.

Sri AZEEZ SAIT.—Sir,.....

Mr. SPEAKER.—Order, order. It becomes the habit to interrupt as many times as he likes. The member will please do not do it. For the last time, I am saying that if he persists, he will be compelling me to take action.

Sri AZEEZ SAIT.—With due respect to you, I am speaking. I am not trying to take away the liberty, When the hon'ble Minister says something, it does not mean that they have privilege to wound the feelings of others.

Mr. SPEAKER.—Order, order. What does the hon'ble member want to say? He should apologise to the House. If he does not, I will ask him to retire.

Sri AZEEZ SAIT.—Sir,.....

Mr. SPEAKER.—Order, order. I request the member to apologise to the House. I have given a number of warnings. Still he does the same thing. He finds that the minister is taking away the liberties and disturbs. Will the hon'ble member apologise to the House or not?

Sri AZEEZ SAIT.—Sir, I have not said anything.....

Mr. SPEAKER.—If the hon'ble Member does not apologise, I will ask him to retire from the House.

Sri AZEEZ SAIT.—If you want me to retire, I will obey your orders.

Mr. SPEAKER.—The member will kindly retire.

Sri AZEEZ SAIT.—Sir, you cannot hang me without giving an opportunity to clarify my position.

(Sri H. Siddaveerappa rose.)

Mr. SPEAKER.—How many times this member interrupts? Shall I analyse? Is he the only member to talk? How many times does he interfere and how many times have I warned him?

Sri H. SIDDAVEERAPPA.—Sir, as an experienced parliamentarian and as a learned man, you know there are human idiosyncracies and foibles. You are the father of this House and if something goes wrong somewhere, I think we have a right to request you to be a little indulgent and forget and forgive. If something goes wrong obdurately, that is a different matter. There are certain idiosyncracies and all human beings are not alike. This is one important factor which should be taken note of.

Mr. SPEAKER.—I have taken due note of all human factors. My hon'ble Friend must not think that it is only one side that has to take note of it. I have been observing this hon'ble Member interrupting for the last so many days and still I have been tolerant. Whenever any member speaks, this hon'ble Member disturbs. When I ask him to resume his seat, he sits and again within two seconds he gets up. There must be a limit.

Sri H. SIDDAVEERAPPA.—Up to the last day, we have been carrying on considerably well.

Mr. SPEAKER.—Therefore, I will allow him to remain in the House and I will not ask him to retire. He will take due note of it.

†Sri S. R. KANTHI.—My hon. Friend Sri Krishnan made a remark that the Government have no human considerations for the N.G.Os. which is absolutely incorrect. During the last few years we have given six increments in D. A. and this time we have again considered the point and adopted the Central D. A. That shows that we have all humanitarian considerations for the N. G. Os.

The other point that he raised was that if bail is given, the inference is that the person is innocent and that if bail is not given, the inference is that the person accused is guilty. I do not know how he came to that inference. After all bail has nothing to do with the offence. Certain offences are such that bail is given and in the case of certain offences bail is not given. So, it is not correct to say that if bail is given the man is innocent.

Sri Srikantiah took shelter under article 254 and said that the President's consent will have to be obtained. In this connection, I may point out that the consent of the President comes in after the Bill has been passed into a law; it does not come before that. So,

(SRI S. R. KANTHI)

I request the hon. Member to refresh his memory in this respect. He also raised the point that the original Bill is *ultra vires* and so this Bill is also *ultra vires*. I must tell him that the Supreme Court had an occasion to consider the fundamental rights questions in the case of the N. G. Os. and they rejected the writ application made in this respect. So, the question of fundamental rights being infringed by the original Bill or this Bill does not arise at all. If any member or any member of the public feels that his fundamental rights are infringed, he has the option to go to the court and challenge the amending Bill or the original Bill.

Sri Siddiah Kasimath was a little bit emotional. ಅವರು ಗಲ್ಲಗೇರೆನಬೇಡಿ ಎಂದು ಅರ್ಥವಾಗುವಂತೆ ಹೇಳಿದರು, ಅದು ಹೇಗೆ ಆಗುತ್ತದೆ?

ಶ್ರೀ ವಾಚಾಘ್ ನಾಗರಾಜ್.—ಅಧಿಕಾರ ಸಿಕ್ಕಿದರೆ ನೀವು ಅದೂ ಮಾಡುತ್ತೀರಿ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಅದನ್ನು ಮಾಡುವುದು ತಾವು, ನಾವಲ್ಲ.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದಪೀಠಪ್ಪ.—ಇದು “ಕರಾಳ” ಶಾಸನ ಎಂದರೆ ತಾವು ಒಪ್ಪುವುದೇ ಇಲ್ಲ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಶ್ರೀ ನಾಗರಾಜ್‌ರವರು ಏಕೆ ಹೀಗೆ ಮಾತನಾಡುತ್ತಾರೋ ತಿಳಿಯದು. ಅವರೂ ಕೂಡ ಈ ಮನೆಯ ಸದಸ್ಯರೆಂದು ತಿಳಿಯಬೇಕು.

ಶ್ರೀ ವಾಚಾಘ್ ನಾಗರಾಜ್.—ಅದು ನನಗೆ ಗೊತ್ತಿದೆ. ಅವರಿಗೆ ಗೊತ್ತಿಲ್ಲದೆ ಏನೇನೋ ಮಾತನಾಡುತ್ತಿದ್ದಾರೆ.

SRI S. R. KANTHI.—He raised the point that the accused should be released on his own bond. The provision is there. The only thing is that before making any order by the court, the prosecution will have to be heard.

My hon'ble Friend Sri Siddaveerappa asked, why do you want to make it retrospective? I may bring to his notice that the ordinance has been passed and there is no question of this Bill having any retrospective effect.

As regards the speedy disposal of cases, I do not think there is anybody in this House who takes objection to it. These cases should be disposed of at the earliest, and so top priority has to be given to it.

The other point is that for the offence of instigation of a strike, both fine and imprisonment are proposed here. In the original Bill there was an option and the wording used was ‘imprisonment or fine’. Now, both have been made compulsory. But the quantum of imprisonment or fine depends upon the trial Judge; he can give as much leniency as possible. In the case of a person who instigates, this has been purposely done because he always escapes with a small fine with a light imprisonment. Now that both the imprisonment and fine have been made compulsory, it is possible that instigation will be much less.

In the matter of release on bail, it is already stated that opportunity should be given to the Government to have its own say. The hon'ble Member Sri Kothawale, an experienced lawyer, has already

explained the position. Where bail is granted, the Magistrate makes enquiries and hears the prosecution. So, even if it is made compulsory, it does not matter; it does not alter the present position at all.

2-30 P. M.

Sri L. SRIKANTAI AH.—I would like to know whether under article 354, the opinion of the Law Department has been obtained on the new section 9A.

Sri S. R. KANTHI.—I do not know whether my friend knows that article 254 comes in the picture only after the Bill is passed into law. Now article 254 cannot be invoked.

Sir, I think I have replied to all the points raised. Of course, Mr. Sivappa in the heat of the debate said that we are trying to boss over. There is no question of bossing over. He also said that there is a lot of discontent and that we are doing a lot of disservice. I do not think we are unfair because the Government have done their best and revised the D.A. rates six times during the last year. As regards their emoluments and pay scales, we have referred it to a Pay Commission. We have every sympathy for the N.G.O.s I, therefore, commend the Bill for the consideration of the House,

Mr. SPEAKER.—I will now put the motion to the House. The question is...

(Sri S. SIVAPPA rose.)

I have seen the member and allow him to speak.

†ಶ್ರೀ ಎನ್. ಶಿವಪ್ಪ.—ಸಭಾಪತಿಗಳೇ, ಈ ಕಪ್ಪು ಶಾಸನವನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಈ ಸರ್ಕಾರದವರಿಗೆ ಎಷ್ಟು ಹೇಳಿದರೂ ಕೂಡ 'ಗೋಕರ್' ಮೇಲೆ ನೂರಾರು ಮಳೆ ಗರೆದಂತೆ' ಎಷ್ಟು ಪ್ರಯೋಜನವಾಗುತ್ತದೆಯೋ ಅಷ್ಟು ಪ್ರಯೋಜನವಾಗಿದೆ. ಇಂತಹ ಕ್ರೂರ ಶಾಸನವನ್ನು ಈ ಸರ್ಕಾರ ತಂದಿದೆ. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ದತ್ತವಾಗಿರತಕ್ಕ ಮೂಲಭೂತ ಹಕ್ಕನ್ನು ದಮನ ಮಾಡತಕ್ಕ ಈ ಶಾಸನವನ್ನು ಎರೋಧ ಮಾಡಿ ನಾವು ಸಭಾತ್ಯಾಗ ಮಾಡುತ್ತೇವೆ.

(Members of the Opposition began to walk out)

Mr. SPEAKER.—Order, order. Members must not move. Members must not move when I am on my legs. I will allow them to go out after I put the motion. In spite of that, those of them who go, will reap the consequences of going when the Speaker is on his legs. I am doing all this for the purpose of facilitating the members. I was putting the motion to the House. Then the member stood up and said they are leaving the House.

(Members of the Opposition then resumed their seats).

Now those of you who want to go may go.

(Members of the Opposition then staged a walk-out).

Mr. SPEAKER.—I will put the motion to the House again.

The question is :

“That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be taken into consideration.

The motion was adopted.

CLAUSES

Mr. SPEAKER.—There are no amendments. I will put the clauses to the vote of the House.

The question is :

“That clauses 2 to 4 both inclusive stand part of the Bill”

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

(At this stage some members of the Opposition came back.)

Sri D. DEVARAJ URS.—I rise to a point of order, Sir. When the Speaker is on his legs, they are coming inside.

CLAUSE, 1, etc.

Mr. SPEAKER.—The question is :

“That Clause 1, the title and the preamble stand part of the Bill”.

The motion was adopted.

Clause 1, the Title and the preamble were added to the Bill.

Motion to pass :

Sri S. R. KANTHI.—I beg to move :

“That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be passed.”

† ಶ್ರೀ ಎಸ್. ಎಸ್. ಶೆಟ್ಟರ್ (ಹುಬ್ಬಳ್ಳಿ).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಈ ಶಾಸನವನ್ನು ಒಂದು ತತ್ಪದ ತಳಹದಿಯ ಮೇಲೆ ನಾನು ವಿರೋಧಮಾಡುತ್ತಾ ಇದ್ದೇನೆ. ಯಾವುದೇ ಒಬ್ಬ ಅಪರಾಧಿಯನ್ನು ಶಿಕ್ಷೆಗೆ ಗುರಿಮಾಡಿದಾಗ ಅಂತಹ ಅಪರಾಧವನ್ನು ಎಸಗಬಾರದು ಎಂಬ ದೃಷ್ಟಿಯಲ್ಲಿ ಶಿಕ್ಷೆಯನ್ನು ಬಹಳ ದೊಡ್ಡ ಪ್ರಮಾಣದಲ್ಲಿ ಕೊಡುವಂತಹ ಒಂದು ಕಠಿಣ ಸೇರಿಸಿ ಆ ಪ್ರಕಾರ ಯಾವುದೇ ಅಪರಾಧಗಳು ಆಗಬಾರದು ಅಂತ ಹೇಳಿ ‘ಡೆಟರಂಟ್ ಪನಿಷ್‌ಮೆಂಟ್’ ಅಂತ ಏನು ಅನ್ನುತ್ತಾರೆ ಆ ಪ್ರಕಾರ ಶಿಕ್ಷೆಯನ್ನು ಮಾಡಲು ಅಧಿಕಾರವನ್ನು ಪಡೆಯುತ್ತಾ, ಇದ್ದಾರೆ. ಅದಕ್ಕೆ

ಇಲ್ಲಿ ಫೈನ್ ಮತ್ತು ಪನಿಷ್‌ಮೆಂಟ್ ಎರಡನ್ನೂ ಕೂಡಿಯೇ ಕೊಡಬೇಕೆಂಬ ತತ್ವವನ್ನು ಈ ಶಾಸನವನ್ನು ತಿದ್ದುಪಡಿಮಾಡುವ ಕಾಲದಲ್ಲಿ ತಂದಿದ್ದಾರೆ. ಆದರೆ ರಾಜಕೀಯ ಅಪರಾಧ ಅಥವಾ ರಾಜಕೀಯ ಹೋರಾಟವನ್ನು ಮಾಡತಕ್ಕವರಿಗೆ ಯಾವುದೇ ಒಂದು ಶಿಕ್ಷೆ ಅಥವಾ ಯಾವುದೇ ಒಂದು ಹೆದರಿಕೆ ಬರುವಂತಹದು ಏನನ್ನೂ ಮಾಡುವುದಿಲ್ಲ. ಇದನ್ನು ಹತ್ತು ವರ್ಷಕ್ಕೆ ಏರಿಸಿದರೂ ಕೂಡ ಈ ಶಿಕ್ಷೆ ಅವರನ್ನು ಬಾಧಿಸಲಿಕ್ಕೆ ಇಲ್ಲ. ಈ ಒಂದು ಬದರಾವಣೆಯನ್ನು ತಂದು ತಮ್ಮ ಉದ್ದೇಶ ಈಡೇರಿತು ಎಂದು ಸರ್ಕಾರದವರು ತಿಳಿದಿದ್ದರೆ ಸರ್ಕಾರದ ಉದ್ದೇಶ ಎಂದೂ ಸಾಧಿಸಲಿಕ್ಕೆ ಇಲ್ಲ. ಇದರಿಂದ ಸರ್ಕಾರ ಎನ್. ಜಿ. ಒ. ಅಗಲಿ ಅಥವಾ ಯಾವುದೇ ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಯನ್ನಾಗಲಿ ಮತ್ತು ಫೈ ರೋಚ್‌ಗೆ ಎಬ್ಬಿಸಬಾರದು, ಈ ರೀತಿ ಮಾಡುವುದರಿಂದ ಅವರಲ್ಲಿ ಇನ್ನೂ ಶಿನ್ನುಗ್ಗೇಡಿತನ ಹೆಚ್ಚಿ ಅವರ ಮನಸ್ಸು ಆತೀತೀಕವನ್ನು ಮುಟ್ಟಿತು ಎಂಬ ಎಚ್ಚರಿಕೆಯನ್ನು ಸರ್ಕಾರದವರಿಗೆ ಕೊಡಬಯಸುತ್ತೇನೆ.

ಎರಡನೆಯದು, ತತ್ವದ ಮೇಲೆ ವಿರೋಧ ಮಾಡುವುದು ಏನೆಂದರೆ ಜಾಖಾನಿನ ಮೇಲೆ ಬಿಡುವ ಕಾಲಕ್ಕೆ ಎರಡು ಮತಗಳನ್ನು ಅನುಸರಿಸಬೇಕು ಎನ್ನುವುದನ್ನು ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಹೇಳಲಾಗಿದೆ.

[MR. DEPUTY SPEAKER IN THE CHAIR].

ಈಗ ಕೋರ್ಟಿನವರು ಒಂದು ಜಾಖಾನಿನ ಪ್ರಶ್ನೆಯನ್ನು ಪರಿಶೀಲಿಸುತ್ತಾ ಇರುವಾಗ ಯಾವುದಾದರೂ ಒಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬರಲೇ ಬೇಕಾದಂತಹ ಅವಶ್ಯಕತೆ ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಇದೆ. ಯಾವಾಗ ಸರ್ಕಾರದ ಪರವಾಗಿ ಒಂದು ವಾದವನ್ನು ಹೇಳಲಾಗುತ್ತದೆ ಆ ಕಾಲದಲ್ಲಿ ಕೋರ್ಟಿನವರು ಜಾಖಾನನ್ನು ಕೊಡಬಹುದೇ ಅಥವಾ ಕೊಡಬಾರದೆಂಬ ಒಂದು ನಿರ್ಣಯಕ್ಕೆ ಬರಬೇಕಾಗುತ್ತದೆ. ಪೂರ್ವಭಾವಿಯಾದ ನಿರ್ಣಯಕ್ಕೆ ಕೋರ್ಟಿನವರು ಬಂದದ್ದೇ ಆದರೆ ಸರಿಯಾದಂತಹ ನಿರ್ಣಯ ಜಾರಿಯಾಗಿಲ್ಲ ಎಂಬ ಸಂಶಯ ಪ್ರತಿಯೊಬ್ಬರಲ್ಲಿ ಉತ್ಪನ್ನವಾದೀತು ಎಂಬ ಒಂದು ತಾತ್ವಿಕ ತಳಹದಿಯ ಮೇಲೆ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ನಾವು ಸ್ವೀಕರಿಸಬಾರದು ಎಂಬ ಮಾತನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬೇಕು. ಇದರಲ್ಲಿ ಇನ್ನೊಂದು ಅನಾಹುತ ಏನೆಂದರೆ :

Sri S. R. KANTHI.—I wish to read Rule 92 for the benefit of the Members :

“The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.”

Mr. DEPUTY SPEAKER.—Please note it.

ಶ್ರೀ ಎಸ್. ಎಸ್. ಶೆಟ್ಟರ್.—ಕೋರ್ಟಿನಲ್ಲಿ ನಡೆಯತಕ್ಕ ವ್ಯಾಜ್ಯಗಳು ಬೇಗ ತೀರ್ಮಾನವಾಗುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಮಾತ್ರ ಎಲ್ಲರೂ ಒಪ್ಪುತ್ತಾರೆ; ನಾವೂ ಒಪ್ಪುತ್ತೇವೆ. ಇದಕ್ಕಾಗಿ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಆದನ್ನು ಬೇಗ ತೀರ್ಮಾನಮಾಡತಕ್ಕ ದೃಷ್ಟಿಯಿಂದ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು ಎಂದರೆ, ನಾವು ವಿಶಿಷ್ಟ ಕೇಸುಗಳ ಬಗ್ಗೆ ಆಗುತ್ತಿರುವ ವಿಧಾನವನ್ನು ಗಮನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳದೆ, ಈ ಒಂದು ವಿಶೇಷ ಸಂದರ್ಭಕ್ಕೆ ಹೆಚ್ಚಿನ ಗಮನಕೊಟ್ಟು ಇದನ್ನು ಆಗಬಹುದು ಎಂಬುದಾಗಿ ನಾವು ಒಪ್ಪಿಕೊಂಡರೆ ಇನ್ನೇನು ತಕ್ಕ.....

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಅಧ್ಯಕ್ಷರೇ, ಮತ್ತೆ ಮಾನ್ಯ ಸದಸ್ಯರು ವಿವರಗಳಿಗೆ ಹೋಗುತ್ತಿದ್ದಾರೆ. ಆ ಸ್ಟೇಜ್ ಈಗಾಗಲೇ ಮುಗಿದುಹೋಗಿದೆ.....

ಉಪಾಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳುತ್ತಿರುವುದನ್ನು ತಾವು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ನಿಮ್ಮ ಮಾತುಗಳನ್ನು ಮುಂದುವರಿಸಿ.

ಶ್ರೀ ಎಸ್. ಎಸ್. ಶೆಟ್ಟರ್.—ನಾನೂ ಕೂಡ ಈಗ ಜನರರ್ ಅಬ್‌ಸರ್ವೆಷನ್ನೇ ಮಾಡುತ್ತಿದ್ದೇನೆ. ಇಲ್ಲಿ ನಾವು ಇದರ ಸ್ವರೂಪವನ್ನು ವಿವರಣೆಮಾಡದೆ ಇದಕ್ಕೆ ಒಪ್ಪಿಗೆಯನ್ನು ಕೊಟ್ಟರೆ ಮುಂದೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಜನರಿಗೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಕೇಸನ್ನು ವಿಚಾರಣೆ ಮಾಡದೆ

(ಶ್ರೀ ಎಸ್. ಎಸ್. ಶೆಟ್ಟರ್)

ಜಾಮೀನನ್ನು ಕೋರ್ಟು ಕೊಡಕೂಡದು ಎಂಬ ಅಂಶ ಇದರಲ್ಲಿದೆ; ಅದನ್ನು ಯಾವ ತಾತ್ವಿಕ ದೃಷ್ಟಿಯಿಂದ ನಾವಿಲ್ಲಿ ಒಪ್ಪಬೇಕು? ಇದನ್ನು ನಾವು ಒಪ್ಪಬೇಕೆಂದು ಕೇಳುತ್ತಿರುವುದು ಬಹಳ ಅಸಮಂಜಸವಾದುದು. ಅದು ಇಲ್ಲಿ ಎದ್ದು ಬಿಡಬಹುದು ಕಾಣುತ್ತಿದೆ.

ಇನ್ಸ್ ಮೂರನೆಯದಾಗಿ, ಇವರು ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯು ಸಿ.ಆರ್.ಪಿ.ಸಿ. ಯಲ್ಲಿ ಇರತಕ್ಕ ಸೆಕ್ಷನ್ 496ಕ್ಕೆ ತದ್ವಿರುದ್ಧವಾಗಿದೆ. ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಈ ಕಲಮಿನ ಪ್ರಕಾರ ಒಂದು ತಾತ್ವಿಕ ತರ್ಕವಿರುವುದಿಲ್ಲ ಅಪರಾಧಗಳನ್ನು ಜಾಮೀನಿನ ಮೇಲೆ ಬಿಡತಕ್ಕ ಒಂದು ಹಕ್ಕು ಇದೆ. ಅವರ ಹಕ್ಕನ್ನು ಮೊಳಕುವುದಾದರೆ ನಾವೀಗ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದೇವೆ. Under Section 496 of the Criminal Procedure Code, if it is a bailable offence, and if an application is made, the Magistrate may himself pass orders on it; he need not consult. The bail is granted as a matter of right and that right has now been curtailed by the Government.

Sri S. R. KANTHI.—That right has not been curtailed at all. The Magistrate has now to hear the otherside, the Prosecution; that is all.

Sri S. S. SHETTAR.—The discretion is now shifted. The magistrate's discretionary right is reduced; the hands of the Magistrate are tied. Unless that particular application is opposed, the Magistrate cannot come to the conclusion. His discretionary field has been curtailed. That is the one mistake we are doing here. We are entering into the vast arena of discretion that is to be exercised by the Court. On the basis of policy, I am opposing the amendment.

Sri H. SIDDAVEERAPPA.—I have got one point to speak about.

Mr. DEPUTY SPEAKER.—The hon'ble member has already taken a chance. Now Sri B. P. Gangadhar wants to speak; so let him speak.

†ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ.—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಈ ದಿವಸ ಸರ್ಕಾರವರು ಈ ಸಭೆಯ ಮುಂದೆ ತಂದಿರತಕ್ಕ ಒಂದು ತಿದ್ದುಪಡಿ ಮಸೂದೆಯೊಂದಿಗೆ ಅದನ್ನು ಈಗಾಗಲೇ ಕೆಲವು ಮಾನ್ಯ ಸದಸ್ಯರು ಒಂದು ಕರಾಳ ಶಾಸನವೆಂದು ಏನು ಕರೆದರು ಅದನ್ನು ನಾನೂ ಕೂಡ ಒಪ್ಪುತ್ತೇನೆ. ಈ ದಿವಸ ಇಂಥ ಒಂದು ಕರಾಳ ಶಾಸನವನ್ನು ಮಾಡಬೇಕಾದ ಅಗತ್ಯವಾದರೂ ಏನಿತ್ತು ಅನ್ನುವುದರ ಬಗ್ಗೆ ಸರ್ಕಾರದವರು ಯಾವ ವಿವರಣೆಗಳನ್ನೂ ನೀಡಿಲ್ಲ. ಈ ಹಿಂದೆ ಹೇಗೆ ಆದಳತೆ ನಡೆಸಿದ ಸರ್ಕಾರಗಳು ಎಷ್ಟೋ ಉರುಳಿಹೋದವು. ಆದರೆ ಆ ಯಾವ ಒಂದು ಸರ್ಕಾರವು ಇಂಥ ಒಂದು ಕಾನೂನನ್ನು ಮಾಡಿರಲಿಲ್ಲ. ಹೀಗಿರುವಾಗ ಈ ದಿವಸ ಈ ಸರ್ಕಾರಕ್ಕೆ ಇಂಥ ಒಂದು ಅವಶ್ಯಕತೆ ಎತಕ್ಕೆ ಉಂಟಾಯಿತೋ ನಮಗೆ ತಿಳಿಯಲಿಲ್ಲ.

Mr. DEPUTY SPEAKER.—The hon'ble member is speaking on the main motion. It is already over. Now he may offer his general remarks.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ.—ಸರ್ಕಾರದವರ ನೀತಿ ಏನೆಂಬುದೇ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಬಹುಶಃ ಈ ರಾಜ್ಯಾಡಳಿತವನ್ನು ಪೊಲೀಸಿನವರ ಕೈಗೆ ಕೊಟ್ಟರೆ ರಾಜ್ಯ ಬಹಳ ಸುಖವಾಗಿರಬಹುದು ಎನ್ನುವ ಭಾವನೆ ಚಿಕ್ಕಜಯ ಬೆಂಚಿನಲ್ಲಿರತಕ್ಕವಾಗಿದ್ದ ಹಾಗೆ ಕಂಡುಬರುತ್ತಿದೆ. ಈ ಹಿಂದೆ ಕೇವಲ 2 ತಿಂಗಳು ಕಾಲ ಕೇಂದ್ರ ಸರ್ಕಾರದವರ ಡಿಫೆನ್ಸ್ ಅಫ್ ಇಂಡಿಯಾ ರೂಲ್ಸ್‌ನ್ನು ಪೊಲೀಸಿನವರ ಕೈಗೆ ಕೊಡಲಾಗಿತ್ತು. ಆ ಅತ್ಯಲ್ಪ ಕಾಲದಲ್ಲೇ ಅವರು ದೇಶಕ್ಕೆ ಎಷ್ಟೆಷ್ಟು ದೋಷ ಮಾಡಬಹುದಾಗಿತ್ತೋ ಅಷ್ಟೆಷ್ಟು ಮಾಡಿ ಮುಗಿಸಿದರು; ಅನೇಕರನ್ನು ಕಾರಾಗೃಹಕ್ಕೆ ಕಳುಹಿಸಿದರು; ಶ್ರೀ ನಂಜುಂಡರಾಯರಂಥ ಜನಾನುರಾಗಿಗಳನ್ನೂ ಕೂಡ ಕಾರಾಗೃಹಕ್ಕೆ ಕಳುಹಿಸಿದರು. ಇಷ್ಟೆಲ್ಲಾ ನಮ್ಮ ಹಿಂದೆ ಇದ್ದ ರಾ ಮಂತ್ರಿರಾಮರಾಯರ ಕಾಲದಲ್ಲಿ ನಡೆದು ಹೋದವು. ಬಡಬಗ್ಗರಿಗೆ ತನ್ನಲು ಸರಿಯಾಗಿ ಕಾಳನ್ನು ಕೊಡುತ್ತಿಲ್ಲ ಎಂದು ಹೇಳಿದುದೇ ಒಂದು ಮಹಾ ಅಪರಾಧವಾಯಿತು. ಅದಕ್ಕಾಗಿ ಅನೇಕರು ಸೆರೆಮನೆಯ ವಾಸ ಮಾಡಬೇಕಾಯಿತು ನಮ್ಮ ಪಕ್ಷದವರು. ಇನ್ನು ಇದರ

ಬಗ್ಗೆ ನಾನು ಹೆಚ್ಚು ಹೇಳುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಈ ದಿವಸ ನಾವು ಈ ತಿದ್ದುಪಡಿಗೆ ನಮ್ಮ ಅನುಮತಿಯನ್ನು ಕೊಟ್ಟರೆ ದೇಶದಲ್ಲಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ಎನ್ನುವುದು ನಿರ್ನಾಮವಾಗಿ ರಾಜ್ಯದಲ್ಲಿ ಪೊಲೀಸ್ ದೌಲತ್ತು ಏಳುತ್ತದೆ. ಆಗ ಅನೇಕ ರಾಜಕಾರಣಿಗಳು ಆಳುವ ಪಕ್ಷಕ್ಕೆ ಎರೋಡಿ ಇತಿಗಿತಕ್ಕಿಂತ ಈ ಕರಾರು ಶಾಸನಕ್ಕೆ ತುತ್ತಾಗಬೇಕಾಗಿ ಬರುತ್ತದೆ. ಅದು ಹೇಗೆ ಎಂದರೆ ಇಲ್ಲಿ ಸರ್ಕಾರದವರು ಇನ್‌ಸ್ಟಿಟ್ಯೂಷನ್—ಎಂಬ ಪದವನ್ನು ಹಾಕಿದ್ದಾರೆ. ದಿನ ಬೆಳಗಾದರೆ ನಾವು ಒಬ್ಬರ ನೊಬ್ಬರು ಒಂದರೊಂದು ಕಾರಣಕ್ಕಾಗಿ ಕರೆಯಬೇಕಾಗಿ ಬರುತ್ತದೆ. ನೌಕರ ಸಹಕಾರ ನಮಗೆ ಅನೇಕ ವೇಳೆ ಬೇಕಾಗಬಹುದು. ಅವರಿಗೂ ನಮ್ಮ ಸಹಕಾರ ಬೇಕಾಗುವುದು. ಅಂಥ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಅಂಥ ವಿಚಾರಗಳು ಎನಾದರೂ ಎದ್ದಾಗ ನಾವು ಇವರಿಗೆ ಒಳ್ಳೆಯದನ್ನೇ ಹೇಳಿದರೆ ರೂ ನಾವೂ ಕೂಡ ಒಂದು ರಾಜಕೀಯ ಪಕ್ಷದಲ್ಲಿ ಇರುವುದರಿಂದ ಇವರು ನೌಕರರಿಗೆ ಇನ್‌ಸ್ಟಿಟ್ಯೂಷನ್ ಮಾಡಿದರೆಂಬ ಒಂದೇ ನೆಪದ ಮೇಲೆ ನಮಗೂ ಇದರಿಂದ ಮುಂದೆ ಅನೇಕ ತೊಂದರೆಗಳಾಗತಕ್ಕ ಸಂದರ್ಭಗಳು ಇರುತ್ತವೆ. ಅದುದರಿಂದ ಇದನ್ನು ನಾನು ಒಂದು ದೇಶದೊಳಗಡೆ ಮನೋದೇ ಎಂದು ಕರೆದರೆ ತಪ್ಪಿಲ್ಲ. ಇದನ್ನು ನಾವು ಒಪ್ಪಿಕೊಂಡಮೇಲೆ ಇಲ್ಲಿ ಸರ್ಕಾರವನ್ನು ಟೀಕೆ ಮಾಡುವುದಕ್ಕೂ ಬಿಕ್ಕಟ್ಟು ಬರುತ್ತದೆ. ಇದು ಅಂಥ ಒಂದು ಅನ್ಯಾಯದ ಕಾನೂನಾಗಿದೆ. ಆದರೆ ಅಂಥ ಒಂದು ಅನಾಯಾಸಕರವಾದ ಮನೋದೇಯವನ್ನು ಸಭೆಯು ಮುಂದೆ ತರತಕ್ಕ ಒಂದು ಕಹಿಯು ಪ್ರಸಂಗ ರಾಮರಾಯರ ಪಾಲಿಗೆ ಹೋಗದೆ ಶ್ರೀಮಾನ್ ಕಂಠಿಯವರ ಪಾಲಿಗೆ ಬಂದಿತಲ್ಲ ಎಂಬುದು ನನಗೆ ತುಂಬ ವ್ಯಥೆಯನ್ನುಂಟುಮಾಡಿದೆ. ಆದರೆ ಶ್ರೀ ರಾಮರಾಯರಿಗೆ ಶ್ರೀಮಾನ್ ಕಂಠಿಯವರು ಕುಮ್ಮಕ್ಕು ಕೊಡುತ್ತಿದ್ದಾರೆಂದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಸ್ತ್ರೀ ಕುಗಳನ್ನಾದರೂ ಜನರು ಎತಕ್ಕೆ ಮಾಡುತ್ತಾರೆ? ತಪ್ಪುಯಾರಲ್ಲದೆ? ಹುಳುಕು ಯಾರಲ್ಲದೆ ಎಂಬುದನ್ನು ಸರ್ಕಾರ ನೋಡುತ್ತಿಲ್ಲ. ಉಪಾಧ್ಯಕ್ಷರು.—ಅದಲ್ಲವನ್ನೂ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರು ಅಗಲೇ ಹೇಳಿದ್ದಾರೆ.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ್.—ನೌಕರರ ಜೀವನದ ವೆಚ್ಚಕ್ಕೆ ಸಾಕಾಗುವಷ್ಟು ಸಂಬಳ ಸಾರಿಗೆಗಳು ಸಿಕ್ಕದಿದ್ದಾಗ ಅವರೇನು ಮಾಡಬೇಕು?

ಉಪಾಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಸದಸ್ಯರು ತಿದ್ದುಪಡಿಯ ಮೇಲೆ ಮಾತನಾಡುವ ಕ್ಲಾಸುಗಳ ಮೇಲೆ ಹೇಳಿದ್ದನ್ನೇ ಹೇಳಬಾರದು.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ್.—ನಾನು ತಿದ್ದುಪಡಿಯ ಮೇಲೆಯೇ ಮಾತನಾಡುತ್ತಿದ್ದೇನೆ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಮಾನ್ಯ ಸದಸ್ಯರು ಮುಂದೆ ಮಾತನಾಡುವ ಸಮಯ ಸಿಗುವುದಿಲ್ಲ ಎಂದು ಈ ರೀತಿಯಾಗಿ ಮಾತನಾಡುತ್ತಿರಬೇಕು. ಆ ರೀತಿ ಮಾಡಬಾರದು.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ್.—ಇದರಲ್ಲಿ ಅಬ್‌ಜಕ್ಟಿವ್ ಮತ್ತು ರೀಜನ್ಸ್ ಎಂದೆ.....

Sri S. R. KANTHI.—Sir, I rise to a Point of Order. They have already been passed. The hon. member is going into the details of the Bill. General remarks could be made. Otherwise, there is no meaning. The original Act and clauses have been passed already. What is the meaning of going back again? Then, there will be no end to this. I have already quoted Rule 92 in this case.

Mr. DEPUTY SPEAKER.—Has Sri Gangadhar, noted the points made out by the Hon'ble Minister?

Sri B. P. GANGADHAR.—Yes, Sir.

Mr. DEPUTY SPEAKER.—He may please conclude.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ್.—ಇದರಲ್ಲಿರತಕ್ಕ ಅಬ್‌ಜಕ್ಟಿವ್ಸ್ ತಿರುಗು ಮುರುಗು ಮಾಡಿದ್ದಾರೆ. ಇವು ನಿವಾದ ಅಬ್‌ಜಕ್ಟಿವ್ಸ್ ಅಲ್ಲ. ಇನ್ನು ಮುಂದೆ ಯಾರೂ ಯೂನಿಯನ್ಸ್ ಮಾಡಬಾರದು, ಕಟ್ಟಬಾರದು, ಆ ಯೂನಿಯನ್ ಮುಖಾಂತರ ನೌಕರರು ಅವರ ಕುಂದುಕೊರತೆಗಳನ್ನು ಯಾರಿಗೂ ಹೇಳಬಾರದು, ಅವರಿಗೇನೇ ತಾಪತ್ರಯ ಬಂದರೂ ಯಾರಿಗೂ ಹೇಳಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶ ವೀರಕೂಡದು ಎಂದು ಈ ರೀತಿ ಮಾಡಿದ್ದಾರೆ. ಕೆಲವು ಕ್ಲಾಜಸ್‌ನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸಿರುವುದು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಇರುವ ಹಕ್ಕನ್ನು ಕಸಿದುಕೊಳ್ಳುವ ರೀತಿಯಲ್ಲಿದೆ. ಇನ್‌ಡೆಪೆಂಡೆನ್ಸಿ ಬೇರೆ ಮೇಲೆ ನೌಕರರನ್ನು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಬಿಡಬಾರದೆಂದಿದೆ. ಅದರಿಂದ ಇದು ನಿಜವಾದ ಶಾಸನ ವಲ್ಲ. ಇದರಿಂದ ಇನ್ನು ಮುಂದೆ ಈ ದೇಶದಲ್ಲಿ ಪೊಲೀಸ್ ರಾಜ್ಯವಾಗುತ್ತದೆ. ಆಗ ನಾವೂ ಅವರೂ ಒಟ್ಟಿಗೆ ನಿರ್ನಾಮವಾಗುವ ಸನ್ನಿವೇಶ ಬರುತ್ತದೆ. ಅದರಿಂದ ಸರ್ಕಾರದವರು ಇನ್ನು ಮುಂದೆ ಹುಷಾರಾಗಿ ಇರಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

(MR. SPEAKER in the Chair)

Sri H. SIDDAVEERAPPA.—The main purpose of my intervening at this stage on this Bill is to bring to the notice of the Government that in order to solve a problem, they are creating many more problems ; they are adding more to their headaches. Not only that. They are going to demoralise the administration, because the very bulk of the Government servants will feel hurt and humiliated and they are bound to react adversely and the bad effect or the consequences of it will have to be born by the entire State. I hope and trust the Government will ponder over it. Even now, it is not too late. I appeal to the Government to consider my appeal and see that the Bill is not pressed and not enacted. Even at the third reading stage, I am requesting the Government to examine it. You may pass the Bill, because you are in a majority. If it is passed, I am sure the administration will be paralysed and the country will go to rack and ruin ; and in such an event, I hope, that bad name will have to be borne by you.

†**Sri S. R. KANTHI.**—Sir, the Hon'ble member said that there will be a bad effect if this Bill is passed into law. This is all imagination. This has been proposed to be brought into effect in order to avoid the bad effects of strikes on the administration of the Government of a country. This being so, I cannot understand why my friend, Sri H. Siddaveerappa says that the administration will be paralysed. This is only to avoid such a contingency that this Bill is being brought. Some Hon'ble members again raised a point about Article 254. In order to clear their doubt, I would like to read the relevant portion of the Criminal Procedure Code. It says :—

“ It extends to the whole of India except the States of Jammu and Kashmir and Manipur, but in the absence of any specific provision to the country, nothing herein contained shall effect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force, or shall apply to—”

So, the Criminal Procedure Code applies to the entire country. For any special form, any special law is accepted under the Criminal Procedure Code. Hon'ble Member, Professor Srikantaiah was harping on this that this is in contravention of the Cr. P. C. This is in answer to what he said.

Sri L. SRIKANTAIAH.—The Code is subject to the Constitution.

Sri S. R. KANTHI.—I will also quote the Supreme Court judgement. It says :—

“ Similarly, Section 1 (2) of the Code of Criminal Procedure lays down that “ the provisions of this Code would not affect any special form of procedure prescribed by any law for the time being in force.” Hence, the provisions for arrest without

warrant in the police Act, Arms Act, Explosives Act, Indian Railways Act, or the Public Safety Act are not void for repugnance with the Code of Criminal Procedure."

This is the judgement of the Supreme Court in *Brij Bhukan V. Siwan*, A 1955.

This shows that all the arguments advanced by my friend, Professor Srikantaiah are beside the point. Article 254 of the Constitution does not apply because of these provisions here; article 254 cannot effect the position of the Criminal Procedure Code and judgement of the Supreme Court which had been given on that. So, Sir, I have only to say that the Hon'ble members will be pleased to withdraw their objections and assent to the passing of the Bill.

SRI L. SRIKANTAI AH.—Even at the third reading stage, I request the Hon'ble Minister to refer it to the Law Department and take their opinion. Let it not be a hasty piece of legislation.

MR. SPEAKER.—That kind of *ultra vires* or violation of the Statute is not decided by this House, nor is the opinion of the House binding upon the Court although we do bring it to the notice of the Government. Government takes the responsibility when it brings the Bill. Here, so far as further participation by the members is concerned, I wanted to give them the chance.

SRI S. R. KANTHI.—All the information that I have now furnished has been obtained from the Law Department after consulting. It is not necessary to reserve the rule for the assent of the President under article 254. The Criminal Procedure Code makes provision for special laws and this is a special law. If you do not agree, you have to go to the court. You cannot agitate here.

3-00 P.M.

SRI DIGAMBARA RAO BALWANT RAO.—Will it be referred to a Select Committee? Even at this stage, they can make up their mind to do so.

MR. SPEAKER.—The member may kindly study the rules and then tell me.

SRI AZEEZ SAIT.—I want a clarification from the Hon'ble Minister. I want to know whether he wants to deviate from the constitutional provision of having certain laws prohibiting strike or does he want to prohibit all the strikes?

MR. SPEAKER.—This Bill is not concerned with prohibition of strikes. It is concerned with an amendment to a statute which is already there.

SRI AZEEZ SAIT.—He was just referring to Supreme Court decision, Constitution and the Criminal Procedure Code. Does this amendment ultimately prohibit strikes *in toto*? Legal and illegal strikes are there.

(SRI AZEEZ SAIT)

If the amendment is accepted, it is not only going to affect the ministerial side of the workers in the Government but it also affects workmen who are governed by the Industrial Disputes Act. They are going to be adversely affected. It is like an old theory of slavery. In this independent country, the Minister is thinking of controlling us like slaves. They are in majority. It is not a happy sign. They want to do something without grace. All that I say is let them do it with grace.

Mr. SPEAKER.—I will put it to the vote of the House. The question is :

“That the Mysore State Civil Services (Prevention of Strikes) (Amendment) Bill, 1967, be passed.”

The motion was adopted.

MYSORE LAND REFORMS (AMENDMENT) BILL, 1967.

Motion to consider.

Sri B. RACHAIAH (Minister for Forests and Revenue).—I beg to move :

“That the Mysore Land Reforms (Amendment) Bill, 1967 be taken into consideration.”

Mr. SPEAKER.—Motion moved :—

“That the Mysore Land Reforms (Amendment) Bill, 1967 be taken into consideration.”

†Sri S. R. BOMMAIAH (Kundgol).—I rise to oppose the amendment and the spirit behind this amendment. Sir, for the last 20 years, the Congress Government have been promising the tenants that they would end relationship of landlord and tenants. This is dilatory tactics and attitude of the party in power to give the rights to the tenants. I have already said in this House that the Bombay Tenancy Act gave propriety rights on 1st August 1956. From 1st August 1956 they took 10 years to pass the Landholdings Act and they brought it into force in 1966. Again they are extending the time-limit and postponing the implementation of the Act. Sir, I may mention that uptill now we have not framed necessary rules and appointed tribunals so that the Act may be implemented. On this ground, I am opposing this amendment. If the rules were framed under the Act, the landlords can get the benefit of them and file applications. But the Government and the authorities are purposely delaying to provide all the necessary date for filing applications to the landlord. Further, I also oppose this amendment because this amendment seeks to discriminate particularly in the case of 7